

"Governor Daniel helped shape so much of our history and, in doing so, ushered Texas into an era of greatness."—Texas governor William P. Clements

"You could hear the footsteps of history as he walked there."—Former Texas governor Mark White

"[Price Daniel] was one of our Texas heroes. No other Texan served with such distinction in all three branches of government. His accomplishments make us all humble."—Texas lieutenant governor William P. Hobby, Jr.

"He made such a difference in so many ways that I think he stands apart from virtually any public official you could name. Everything that was important that happened in Texas politically and governmentally from the late '30s until at least the end of his gubernatorial term in '63, he was intimately involved in."

"When we worked for him, we felt that we had to do as he did. He set a moral standard in the governor's office that everybody stood by. He was an outstanding teacher as governor. If you worked for him—and I had the privilege of working for him for seven years—you learned an awful lot. You may have worked yourself to death, but it was well worth it."—George Christlan, former press aide and executive assistant to Governor Daniel

THE HONORABLE MOU-SHIH DING, REPRESENTATIVE, COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1988

Mr. JOHNSON of South Dakota. Mr. Speaker, the Republic of China's announcement of her Foreign Minister, Mou-Shih Ding, to succeed Dr. Frederick Chien as her Washington representative was greeted with enthusiasm and immediate approval by Washington, given Minister Ding's eminent experience and credentials.

Minister Ding was born in 1925 and educated at the Université de Paris. He has spent most of his career in the foreign service, starting as a specialist in European affairs in the Ministry of Foreign Affairs (1958) and later Section Chief for African Affairs in the Department of West Asian Affairs and Director of the Department of African Affairs (1973). He also served in various posts abroad. He was Republic of China Ambassador to the Republic of Rwanda (1965), then Ambassador to the Republic of Zaire (1967), and Ambassador to the Republic of Korea (1979).

In addition, he served as First Secretary of the Republic of China Mission to the European Office of the United Nations (1962); he also served as advisor and alternate representative of the Republic of China delegation to the U.N. General Assembly (1964-70). From 1975 through 1979, he was Director-General of Republic of China's Government Information Office, while currently serving as Director of the Department of Cultural Affairs of the Central Committee of the Kuomintang.

Minister Ding is no stranger to many United States dignitaries who have visited Taiwan. In his capacity as Republic of China Administrative Vice Minister for Foreign Affairs (1979) and Political Vice Minister (1983), he often hosted diplomatic functions and was able

spokesman for Republic of China's foreign policies. In his role as Foreign Minister (1987-88), he helped shape the present Republic of China policy of political democratization and economic liberalization.

As Taipei's Washington representative, Ding will continue to articulate Republic of China positions on matters vital to sustaining a vibrant and expanding relationship between the Republic of China and the United States, while at the same time he will help his Government and his countrymen understand United States views on related political and trade issues.

Representative Ding will have a challenging job in Washington. But, with the assistance of his charming wife, the former Shih Mei-chang, he will certainly meet and exceed the expectations of both Taipei and Washington.

NATIONAL HUMANITIES WEEK

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1988

Mr. YATES. Mr. Speaker, today I am introducing a resolution to designate a week in December as National Humanities Week.

The purpose of this resolution is to show our appreciation for the vital role that the humanities play in our society. By calling the public's attention to the varied, practical and necessary contributions of the humanities, National Humanities Week will contribute to public and private efforts to maintain and strengthen educational standards and promote the diverse heritage that brings us together as a nation.

I hope all Members will join me in cosponsoring this resolution and I ask that the text be printed at this point in the RECORD.

NATIONAL HUMANITIES WEEK

Whereas the study of the humanities increases the understanding of the great traditions of civilization and of the intellectual heritage of mankind;

Whereas our identity as a people and as a Nation is expressed through the humanities;

Whereas the humanities help us plumb the reflections of the elderly, break down the barriers of isolation, allow us to talk to each other across differences of race, gender or family experience;

Whereas the humanities help communities inventory their bonds of history and place, console in sorrow and, no less important in American life, give us delight, wonder, laughter;

Whereas the state humanities councils bring the general public and the scholar together in conversation and discovery for their mutual benefit;

Whereas support of the humanities has been a partnership of federal, State and local government entities, universities, colleges, businesses, teachers, scholars and individuals;

Whereas designating a National Humanities Week provides a focal point to celebrate the diverse heritage of the United States;

Whereas designating a National Humanities Week brings together the public and private sectors to restate support of the humanities; Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period des-

ignated as "National Humanities Week, and the President is authorized and requested to issue a proclamation calling upon citizens of the United States to observe such period with appropriate programs and activities.

**H.R. 4208, SENATE
CONSIDERATION URGED**

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1988

Mr. BARTON of Texas. Mr. Speaker, I rise today to urge my colleagues in the Senate Commerce Committee to consider H.R. 4208 prior to the conclusion of the 100th Congress as passed out of the House on June 28, 1988. This important piece of legislation, which will authorize appropriations to carry out title III of the Marine Protection, Research, and Sanctuaries Act of 1972 during fiscal years 1989, 1990, 1991, and 1992, will assist in designating the Flower Garden Coral Reefs in the Galveston, TX, area as a national marine sanctuary. The natural resources of this country deserve preservation, and as this legislation works toward this goal, I urge my colleagues in the other body to do the same.

ROSA PARKS' RETIREMENT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 1988

Mr. OWENS of New York. Mr. Speaker, I rise to honor of Rosa Parks, a veteran civil rights activist, who will retire this month from her position on Congressman JOHN CONYERS' District Office staff in Detroit after 23 years of service. This tireless and dedicated civil rights worker may be leaving her post, but not the struggle. For the reason she is leaving is to devote her full attention to the Rosa and Raymond Parks Institute for Self-Development. The institute, which Mrs. Parks founded in February of last year, was established in order to encourage youth to strive to achieve their goals, to motivate them, and to instill in them the qualities of determination and self-confidence.

Mrs. Parks has been called "The Mother of the Civil Rights Movement," an apt description. Her refusal to give up her seat on a Montgomery, AL public bus to a white man in December 1955 was the opening salvo of the civil rights movement. That simple act of quiet dignity and pride launched the 13-month bus boycott by black Montgomery residents, and eventually led to a Supreme Court decision integrating the busline. Subsequently, the integration of all public accommodations, including interstate bus and rail transportation, became the law of the land. The Montgomery bus boycott was also responsible for catapulting Dr. Martin Luther King, Jr., onto the world stage, as the young black minister got his start as a major civil rights leader when he organized and led the Montgomery bus boycott.

Mrs. Parks' civil rights involvement began long before the boycott. In the 1930's, this Tuskegee, AL native and her husband Ray-

do know the devastation and loss of life caused by the postcrash fire.

Miraculously, the vast majority of passengers survived that Delta flight. But they were lucky. The truth is that not enough has been done to reduce the smoke and fire caused by airplane crashes. We can do more to protect airplane passengers from these dangers.

For over 40 years airline pilots have been calling for better antifire devices on planes. Let me quote from a New York Times article, dated November 6, 1947. At the time, airlines captains urged the adoption of "... approved type fuel cells which would be self-sealing, as in war planes, to prevent fires inflight and after even minor ground damage to planes."

It is now 1988—41 years later—and we still don't have self-sealing fuel lines in commercial aircraft. Military planes are so equipped—and apparently were so equipped in the 1940's—but not commercial airplanes which carry millions of passengers every year.

The bill I am introducing today will change this. The legislation is similar to the amendment which I offered back in October 1987, during consideration of the Airport and Airway Capacity Expansion Act. That amendment would have required the FAA to adopt proven technologies which would reduce fires on airplanes. Unfortunately, the conferees opted for a study instead.

We've studied this matter enough. We are talking about adopting available technologies.

We will no doubt hear cries about the costs associated with these safety improvements. But, Mr. President, we are talking about saving lives. Isn't it worth paying a few cents more for an airline ticket to have safer planes?

The FAA has taken its time but it has finally adopted flammability standards for the interior cabins of airplanes. This will be an important step toward reducing the dangers of fire onboard airplanes.

However, the FAA has dragged its feet on other critical fire safety matters. It hasn't done enough research on ways to lower the combustibility of airplane fuel. And it hasn't pushed the airlines to use crash resistant fuel tanks and fuel lines.

My bill would stop all the foot-dragging. It would require all new planes built after 1990 to be equipped with self-sealing fuel lines, crash resistant inner fuel tanks or other technologies to prevent the spraying of highly flammable fuel. For planes that are already operating, the Secretary of Transportation would determine technologically feasible ways to retrofit them to reduce the incidence of fires. Finally, it would provide the FAA with funds to do developmental research on such fuel-related measures as antimisting kerosene to help localize fires.

Mr. President, I want to emphasize the point about retrofitting existing planes. Airplanes are used for a long

time. Indeed, that Delta jet which crashed last week was built in the early 1970's. We must ensure that similar planes—the ones flying today—are made safer.

I'm not an engineer. My bill will leave it to the experts at the Federal Aviation Administration and the Department of Transportation to decide how to make airplanes more fire-resistant. But it will get the FAA moving.

We can't wait any longer. This legislation is supported by the Air Line Pilots Association, the Association of Flight Attendants, Consumers Union and the Aviation Consumer project. I urge my colleagues to join in cosponsoring this important airline safety measure. I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CRASH-RESISTANT FUEL SYSTEMS

SECTION 1. In order to ensure greater air safety to passengers of air carriers, the Secretary of Transportation, within 120 days following the date of the enactment of this Act, shall issue such regulation or regulations as may be necessary to require each air carrier aircraft manufactured after January 1, 1990, to be equipped with crash-resistant inner fuel tanks, and breakaway, self-sealing fittings throughout the fuel system or other devices or means which will prevent the spraying or free flow of significant quantities of fuel after an air crash. Such regulation shall include a requirement that each air carrier aircraft manufactured on or before January 1, 1990, be retrofitted, in a technologically and appropriate manner as determined by the Secretary, so as to reduce the incidence of fire or explosion.

RESEARCH AND DEVELOPMENT

SEC. 2. The Secretary of Transportation, within 60 days following the date of the enactment of this Act, shall cause to be undertaken a program of research and development in the area of fuel additives with a view to achieving a reduction in rapid fuel dispersal and combustibility in connection with the crash of an air carrier. In carrying out such program, the Secretary shall commit such amounts as may be necessary for the research and development necessary for such a reduction.

AUTHORIZATION

SEC. 3. There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this Act.

By Mr. HOLLINGS (for himself, Mr. KERRY, Mr. CRANSTON, Mr. INOUE, Mr. ADAMS, and Mr. EVANS):

S. 2761. A bill to authorize appropriations to carry out title III of the Marine Protection, Research, and Sanctuaries Act of 1972 during fiscal years 1989, 1990, 1991, and 1992, and for other purposes; referred to the Committee on Commerce, Science, and Transportation.

MARINE SANCTUARIES AUTHORIZATION ACT

Mr. HOLLINGS. Mr. President, today I am introducing legislation to reauthorize title III of the Marine Protection, Research, and Sanctuaries Act of 1972 [MPRSA], the National Oceanic and Atmospheric Administration's (NOAA) Marine Sanctuary Program. This legislation was enacted in response to growing concern over the degradation of marine habitats. Its primary purpose is to provide for the conservation and protection of nationally significant marine resources.

The legislation I am introducing has five main goals. First, it reauthorizes the program for 4 years. The National Marine Sanctuaries Program was last authorized in 1984. At that time, \$3 million was authorized for fiscal year 1985, increasing to \$3.9 million for fiscal year 1988. The bill I am introducing today authorizes \$3 million for fiscal year 1989, escalating to \$3.5 million for fiscal year 1990; \$4 million for fiscal year 1991; and \$4.5 million for fiscal year 1992.

Second, the bill addresses a problem related to NOAA's ability to recover financially for damages to sanctuary resources. In recent years, two accidents have caused significant damage to marine sanctuary resources. These events involved the grounding of a freighter in the Key Largo National Marine Sanctuary and the grounding and rupture of an oil tanker near the Farallones National Marine Sanctuary. Clearly, these events were catastrophic to the surrounding marine ecosystem. In both incidents, NOAA sued and collected large cash settlements for the damage done to the sanctuaries. However, since NOAA presently lacks the explicit authority to recover monetary damages for destruction done to sanctuary resources, the settlement moneys were returned to the Treasury. My legislation will permit funds that are collected for resource damages to be returned to NOAA for sanctuary restoration.

Third, this legislation will provide a system of special-use permits within marine sanctuaries. Historically, NOAA has initiated a policy of promoting multiple uses of sanctuaries—provided they are compatible with resource protection. Congress incorporated this multiple-use concept into the 1984 amendments. However, questions continue to arise concerning commercial activities within sanctuaries, especially regarding NOAA's authority to grant concessions for such activities. The bill I am introducing today will provide a mechanism for controlling activities which cannot adequately be controlled under current sanctuary regulations.

Fourth, the bill will establish guidelines for enforcement within marine sanctuaries. This provision, similar to that used to protect other marine resources, is necessary to provide for a more uniform enforcement authority

under statutes protecting living marine resources.

Finally, this legislation provides a specific schedule for the designation of three new sanctuaries. NOAA has been quite slow to designate new sanctuaries. In fact, since our last review of the sanctuaries program in 1984, only one new sanctuary has been incorporated into the system. This bill sets specific dates by which time the Secretary of Commerce must issue notices of final designation for three sites—Cordell Banks, Monterey Bay, and the Western Washington Outer Coast. While I feel that it is unfortunate that we, in Congress, must legislate these designations, it is only way I know that we can move the program along.

In closing, let me emphasize that I believe this legislation is necessary to provide a renewed sense of direction in our National Marine Sanctuaries Program, particularly with respect to the long-term goal of establishing consistent authority in the conservation and protection of our nationally significant marine resources.

Mr. President, I ask unanimous consent that the full text of the bill I am introducing today be printed in the CONGRESSIONAL RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Sanctuaries Authorization Act of 1988".

SEC. 2. The Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) is amended—

(1) by redesignating sections 308 and 309 as sections 310 and 311, respectively; and

(2) in section 310, as so redesignated, by adding at the end the following:

"(5) \$3,000,000 for fiscal year 1989.

"(6) \$3,500,000 for fiscal year 1990.

"(7) \$4,000,000 for fiscal year 1991.

"(8) \$4,500,000 for fiscal year 1992."

SPECIAL USE PERMITS

SEC. 3. (a) The Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.), as amended by this Act, is further amended by inserting immediately after section 307 the following new section:

"SEC. 308. SPECIAL USE PERMITS.

"(a) ISSUANCE OF PERMITS.—The Secretary may issue special use permits which authorize the conduct of specific activities in a national marine sanctuary if the Secretary determines such authorization is necessary—

"(1) to establish conditions of access to and use of any sanctuary resource; or

"(2) to promote public use and understanding of a sanctuary resource.

"(b) PERMIT TERMS.—A permit issued under this section—

"(1) shall authorize the conduct of an activity only if the activity is compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources;

"(2) shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretary;

"(3) shall require that activities carried out under the permit be conducted in a

manner that does not destroy, cause the loss of, or injure sanctuary resources; and

"(4) shall require the permittee to purchase and maintain comprehensive general liability insurance against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims.

"(c) FEES.—

"(1) ASSESSMENT AND COLLECTION.—The Secretary may assess and collect fees for the conduct of any activity under a permit issued under this section.

"(2) AMOUNT.—The amount of a fee under this subsection shall be equal to the sum of—

"(A) costs incurred, or expected to be incurred, by the Secretary in issuing the permit;

"(B) costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity; and

"(C) an amount which represents the fair market value of the use of the sanctuary resource and a reasonable return to the United States Government.

"(3) USE OF FEES.—Amounts collected by the Secretary in the form of fees under this section may be used by the Secretary—

"(A) for issuing and administering permits under this section; and

"(B) for expenses of designating and managing national marine sanctuaries.

"(d) VIOLATIONS.—Upon violation of a term or condition of a permit issued under this section, the Secretary may—

"(1) suspend or revoke the permit without compensation to the permittee and without liability to the United States;

"(2) assess a civil penalty in accordance with section 307; or

"(3) both.

"(e) REPORTS.—Each person issued a permit under this section shall submit an annual report to the Secretary not later than December 31 of each year which describes activities conducted under that permit and revenues derived from such activities during the year.

"(f) FISHING.—Nothing in this section shall be considered to require a person to obtain a permit under this section for the conduct of any fishing activities in a national marine sanctuary."

SANCTUARY RESOURCE DESTRUCTION, LOSS, OR INJURY

SEC. 4. The Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 309. DESTRUCTION OR LOSS OF, OR INJURY TO, SANCTUARY RESOURCES.

"(a) LIABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (3), any person who destroys, causes the loss of, or injures any sanctuary resource is liable to the United States for response costs and damages resulting from such destruction, loss, or injury."

"(2) LIABILITY IN REM.—Any vessel used to destroy, cause the loss of, or injure any sanctuary resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury.

"(3) DEFENSES.—A person is not liable under this subsection if that person can establish that—

"(A) the destruction or loss of, or injury to, a sanctuary resource was caused solely by an act of God, an act of war, or an act or omission of a third party, and that the person acted with due care;

"(B) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or

"(C) the destruction, loss, or injury was negligible.

"(b) RESPONSE ACTIONS AND DAMAGE ASSESSMENT.—

"(1) RESPONSE ACTIONS.—The Secretary may undertake all necessary actions to prevent or minimize the destruction or loss of, or injury to, sanctuary resources, or to minimize the imminent risk of such destruction, loss, or injury.

"(2) DAMAGE ASSESSMENT.—The Secretary shall assess damages to sanctuary resources in accordance with section 302(c)(1).

"(c) CIVIL ACTIONS.—

"(1) RECOVERY OF RESPONSE COSTS AND DAMAGES.—The Secretary, acting as trustee for sanctuary resources on behalf of the United States, shall commence a civil action in the United States district court for the appropriate district against any person or vessel who may be liable under subsection (a) for response costs and damages.

"(2) VENUE.—Venue for an action under this section lies—

"(A) in any district in which the defendant resides or may be found;

"(B) in any district in which is located the defendant's principal place of business;

"(C) in the district nearest to the national marine sanctuary involved; and

"(D) in the case of an in rem action against a vessel, in any district having jurisdiction over the vessel.

"(d) USE OF RECOVERED AMOUNTS.—Amounts recovered by the Secretary under this section for response costs and damages and under section 307 for civil penalties shall be retained by the Secretary in the manner provided for in section 107(f)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(1)), and used as follows:

"(1) USE OF AMOUNTS RECOVERED UNDER THIS SECTION.—Amounts recovered under this section shall be used, in order of priority—

"(A) to finance response actions and damage assessments by the Secretary involving national marine sanctuaries;

"(B) to restore, replace, or acquire the equivalent of the sanctuary resources which were the subject of the action;

"(C) to manage and improve the national marine sanctuary within which are located the sanctuary resources which were the subject of the action; and

"(D) to manage and improve any other national marine sanctuary.

"(2) USE OF CIVIL PENALTIES.—Amounts recovered under section 307 in the form of civil penalties shall be used by the Secretary in accordance with section 307(e) and paragraph (1) (C) and (D) of this subsection.

"(3) FEDERAL-STATE COORDINATION.—Amounts recovered under this section with respect to sanctuary resources lying within the jurisdiction of a State shall be used under paragraphs (1) (B) and (C) in accordance with an agreement entered into by the Secretary and the Governor of that State."

(b) Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively, and by redesignating paragraphs (4) and (5) as paragraphs (7) and (8) respectively;

(2) by inserting immediately before paragraph (2), as so redesignated, the following new paragraph:

"(1) 'damages' includes—

"(A) compensation for—

"(I) the cost of replacing, restoring, or acquiring the equivalent of a sanctuary resource; and

"(II) the value of the lost use of a sanctuary resource pending its restoration, its replacement, or the acquisition of an equivalent sanctuary resource; or

"(ii) the value of a sanctuary resource if the sanctuary resource cannot be restored or replaced or if the equivalent of such resource cannot be acquired; and

"(E) the cost of damage assessments under section 309(b)(2);"

(3) in paragraph (2), as so redesignated, by striking "section 304(a)(1)(E)" and inserting in lieu thereof "section 304(a)(1)(C)(v)" and

(4) by inserting immediately after paragraph (4), as so redesignated, the following new paragraphs:

"(5) 'response costs' means the costs of actions taken by the Secretary to minimize destruction or loss of, or injury to, a sanctuary resource, or to minimize the imminent risks of such destruction, loss, or injury; and

"(6) 'sanctuary resource' means any living or nonliving resource of a national marine sanctuary that contributes to the conservation, recreational, ecological, historical, research, educational, or aesthetic value of the sanctuary."

(c) Section 309 of the Marine Protection, Research, and Sanctuaries Act of 1972, as added by this Act, shall apply to any amount in the form of damages received by the United States after the date of enactment of this Act for destruction or loss of, or injury to, a sanctuary resource as defined in section 302(6) of such act of 1972.

MARINE SANCTUARY ENFORCEMENT

Sec. 5. Section 307 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437) is amended to read as follows:

"SEC. 307. ENFORCEMENT.

"(a) IN GENERAL.—The Secretary shall conduct such enforcement activities as are necessary and reasonable to carry out this title.

"(b) POWERS OF AUTHORIZED OFFICERS.—Any person who is authorized to enforce this title may—

"(1) with or without a warrant or other process—

"(A) board, and search or inspect, any vessel that is subject to the provisions of this title;

"(B) seize any vessel (together with its equipment, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of this title or any regulation or permit issued under this title;

"(C) seize wherever found any sanctuary resource taken or retained in violation of this title or any regulation or permit issued under this title; and

"(D) seize any evidence related to a violation of this title or of any regulation or permit issued under this title;

"(2) execute any warrant or other process issued by any court of competent jurisdiction; and

"(3) exercise any other lawful authority.

"(c) CIVIL PENALTIES.—

"(1) CIVIL PENALTY.—Any person subject to the jurisdiction of the United States who violates this title or any regulation or permit issued under this title shall be liable to the United States for a civil penalty of not more than \$50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(2) NOTICE.—No penalty shall be assessed under this subsection until after the person

charged has been given notice and an opportunity for a hearing.

"(3) IN REM JURISDICTION.—A vessel used in violating this title or any regulation or permit issued under this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction.

"(4) REVIEW OF CIVIL PENALTY.—Any person against whom a civil penalty is assessed under this subsection may obtain review in the United States district court for the appropriate district by filing a complaint in such court not later than 30 days after the date of such order and simultaneously serving a copy of the complaint by certified mail on the Secretary, the Attorney General, and the appropriate United States attorney. Upon being served such a complaint, the Secretary shall promptly file in such court in accordance with section 2112 of title 28, United States Code, a certified copy of the record upon which the violation relating to such complaint was found or such penalty imposed. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

"(5) COLLECTION OF PENALTIES.—If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

"(6) COMPROMISE OR OTHER ACTION BY SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is or may be imposed under this section.

"(d) FORFEITURE.—

"(1) IN GENERAL.—Any vessel (including its equipment, stores, and cargo) and any other item used, and any sanctuary resource taken or retained, in any manner, in connection with or as a result of any violation of this title or of any regulation or permit issued under this title shall be subject to forfeiture to the United States pursuant to a civil proceeding under this subsection.

"(2) APPLICATION OF THE CUSTOMS LAWS.—The Secretary may exercise the authority of any United States official granted by any relevant customs law relating to the seizure, forfeiture, condemnation, disposition, remission, and mitigation of property in enforcing this title.

"(3) DISPOSAL OF SANCTUARY RESOURCES.—Any sanctuary resource seized pursuant to this title may be disposed of pursuant to an order of the appropriate court, or, if perishable, in a manner prescribed by regulations issued by the Secretary. Any proceeds from the sale of such sanctuary resource shall for all purposes represent the sanctuary resources so disposed of in any subsequent legal proceedings.

"(4) PRESUMPTION.—For the purposes of this section, there is a rebuttable presumption that all sanctuary resources found on board a vessel that is seized in connection with a violation of this title or of any regulation or permit issued under this title were taken or retained in violation of this title or of a regulation or permit issued under this title.

"(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—

"(1) IN GENERAL.—Notwithstanding any other law, the Secretary may use amounts received under this section in connection with civil penalties, forfeitures of property, and liability for costs imposed under paragraph (2) to pay—

"(A) The reasonable and necessary costs incurred by the Secretary in providing temporary storage, care, and maintenance of any sanctuary resource or other property seized under this section pending disposition of any civil proceeding relating to any alleged violation with respect to which such sanctuary resource or other property was seized; and

"(B) A reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or of any regulation of permit issued under this title.

"(2) LIABILITY FOR COSTS.—Any person assessed a civil penalty for a violation of this title or of any regulation or permit issued under this title, and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any sanctuary resource or other property seized in connection with the violation.

"(f) SUBPOENAS.—For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order may be punished by such court as contempt.

"(g) JURISDICTION.—The district courts of the United States shall have jurisdiction to restrain a violation of this title and regulations and permits issued under this title, and to grant such other relief as may be appropriate.

"(h) USE OF RESOURCES OF STATE AND OTHER FEDERAL AGENCIES.—The Secretary shall, whenever appropriate, use by agreement the personnel, services, and facilities of State and other Federal departments, agencies, and instrumentalities, on a reimbursable or nonreimbursable basis, to carry out the Secretary's responsibilities under this section.

"(i) COAST GUARD AUTHORITY NOT LIMITED.—Nothing in this section shall be considered to limit the authority of the Coast Guard to enforce this or any other Federal law under section 89 of title 14, United States Code.

"(j) INJUNCTIVE RELIEF.—If the Secretary determines that there is an imminent risk of destruction or loss of or injury to a sanctuary resource, or that there has been actual destruction or loss of, or injury to, a sanctuary resource which may give rise to liability under section 309, the Attorney General, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the sanctuary resource, or both. The district courts of the United States shall have jurisdiction in such a case to order such relief as the

public interest and the equities of the case may require."

ACTIONS WITH RESPECT TO NEW SANCTUARIES

Sec. 6. (a) The Secretary of Commerce shall issue a notice of designation under section 304(b)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(b)(1))—

(1) with respect to the proposed Cordell Banks National Marine Sanctuary as generally described in the Federal Register notice of June 30, 1983, not later than December 31, 1988;

(2) with respect to the Monterey Bay National Marine Sanctuary as generally described in the Federal Register notice of December 31, 1979, not later than December 31, 1988; and

(3) with respect to the Western Washington Outer Coast National Marine Sanctuary as generally described in the Federal Register notice of August 4, 1983, not later than June 30, 1990.

(b) The Secretary of Commerce shall submit a prospectus under section 304(a)(1)(C) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(a)(1)(C)) to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Merchant Marine and Fisheries of the House of Representatives with respect to the Northern Puget Sound National Marine Sanctuary, as generally described as the Washington State Nearshore area in the Federal Register notice of August 4, 1983, not later than March 31, 1991.

STUDY OF AREA FOR MARINE SANCTUARY DESIGNATION PURPOSES

Sec. 7. (a)(1) The Secretary of Commerce shall conduct a study of the area described in subsection (c) for purposes of making determinations and findings in accordance with section 303(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433(a)) regarding whether or not all or any part of such area is appropriate for designation as a national marine sanctuary in accordance with title III of that Act.

(2) Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report which sets forth the determinations and findings referred to in paragraph (1).

(b) If as a result of a study conducted pursuant to subsection (a) the Secretary makes the determinations and findings specified in section 303(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433(a)) with respect to all or any part of the area described in subsection (c), the Secretary, in accordance with the procedures for the designation of national marine sanctuaries set forth in section 304 of that Act (16 U.S.C. 1434), shall designate such area or parts of such area as a national marine sanctuary as the Secretary considers appropriate.

(c) The area referred to in subsections (a) and (b) is the portion of the marine environment off the coast of California commonly referred to as Santa Monica Bay, consisting of an area described generally as follows: Beginning at the point known as Point Dume near the western extent of Santa Monica Bay, proceed generally southeast along the shoreline to the point known as Point Vicente near the southern extent of Santa Monica Bay; then west to the 900 meter bathymetric contour; then generally northwest along the 900 meter bathymetric contour to a point due west of Point Dume; then east to Point Dume at the point of beginning.

(d) For the purposes of this section, the term "marine environment" has the meaning such term has in section 302(3) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432(3)).

Mr. KERRY. Mr. President, I rise today with my colleague Senator Hollings to introduce legislation which will reauthorize title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA); the Marine Sanctuary Program of the National Oceanic and Atmospheric Administration (NOAA). Our Nation and in particular my home State of Massachusetts share a strong marine heritage. This legislation protects that heritage through sound marine resource management and additional protection provided under this act. The Nation's Marine Sanctuary Program has been successful in preserving and protecting significant ocean resources in the Atlantic and Pacific Oceans as well as the Gulf of Mexico.

Current marine sanctuary sites include unique coral reefs, large areas of threatened marine mammals and sea birds, and a shipwreck site of the Civil War ironclad, the U.S.S. *Monitor*. Seven sites have been designated as sanctuaries by the Secretary of Commerce since the U.S.S. *Monitor* sanctuary was first designated in 1975. Three additional sites are active candidates and are planned for designation as sanctuaries by 1991.

The legislation that we are introducing today is needed to strengthen title III of the MPRSA and extend the reauthorization for 4 years. In addition this bill provides that funds collected for sanctuary damage must be returned to NOAA for sanctuary restoration. It also allows for special use permits to be issued within the sanctuary system. These permits will allow both public and commercial activities to occur as long as they do not violate the resource protection and management in specific sanctuaries. Finally this legislation enhances law enforcement authority in marine sanctuaries to ensure the same protection for marine resources within the sanctuaries as we have for fishery conservation and marine mammal protection. This will allow NOAA to practice more uniform enforcement conduct.

The General Accounting Office evaluated NOAA's Marine Sanctuary Program in 1981 and concluded that the program was extremely important to marine resource management and conservation and should therefore be federally supported. In their study the General Accounting Office found that the program had specific authority to manage ecosystems through the sanctuary process. They showed the great benefits the program offered ocean resources by ensuring their long-term preservation. The report further highlighted the positive nature of public education about our valuable ocean resources as a result of the Sanctuary Program. This is a program which must continue to preserve our Nation's

marine environment, including its historic marine sites. The legislation that Senator Hollings and I are introducing today will meet this need.

By Mr. GORE:

S. 2762. A bill to establish a National Educational Software Corporation to promote the development and distribution of high-quality, interactive, and educationally useful computer software, and for other purposes; to the Committee on Governmental Affairs.

NATIONAL EDUCATIONAL SOFTWARE ACT

Mr. GORE. Mr. President, I rise today to introduce the National Educational Software Act of 1988. Ensuring America's world leadership in advanced computer technology may well be the most important economic and technological challenge of the 21st century. I believe that high performance computing represents one of our best hopes to improve American competitiveness by restoring growth in productivity, and computer software is critical to our success.

In computer technology, the hardware is typically several years ahead of the software, and the software is often ahead of the policy. Just as it takes time for programmers to design applications for new machines, it takes time for policymakers to address the problems that new technology brings. We cannot afford to delay. We are dangerously behind, for example, in addressing the problems of software copyrights.

In the hearing I chaired last month, it became clear that we need to put resources into hardware, software, research and development, education, and the training of personnel. In the coming months, I plan to work with my colleagues to address these issues.

In the meantime, I have reintroduced legislation I authored in the 98th and 99th Congresses that focuses on educational software. Computers have spread throughout our school systems, and many of them make good teachers. But too often we have ignored this area of software development. If we are going to get this country moving in the next century, we will need to focus, on the next generation and protect our intellectual market share—America's ability to train competitive thinkers. The National Educational Software Act would establish a public corporation to develop and distribute high quality, interactive, and useful educational software.

The legislation I have introduced today addresses one critical need in software development, and it provides a starting point for us. Members of Congress, industry, Federal agencies, software authors, and computer users should view this legislation as a vehicle for discussion and a launching point for comprehensive legislation addressing software problems. The advances in artificial intelligence and parallel processing, for example, point to our technological and intellectual ex-

organizers and activists. These people work long hours, must have a great belief in their cause, and an unbridled enthusiasm which will motivate the public to act. Sylvia Hill is one of these gifted people. As a student at Howard University, a graduate student at the University of Oregon, and as a professor of criminal justice at the University of the District of Columbia, Sylvia Hill has maintained her strong belief in the power of the individual to fight injustice throughout the world.

Since Thanksgiving eve in 1984, when three protestors were arrested for the first time for sitting at the South African Embassy, Ms. Hill has been working to move the United States toward enforcing economic sanctions against South Africa. Her story and her beliefs should act as an example of one person working, not for fame or fortune, but for justice and peace.

The article below was printed in the Monday, March 7, 1988, Washington Post and embodies the spirit of Sylvia Hill's struggles.

(From the Washington Post, Mar. 7, 1988)

CLIMBING THE NEXT MOUNTAIN

(By Dorothy Gilliam)

As the confrontation with police in front of the South African Embassy died down the other day and 64 persons were led away to be arrested, a woman in her late forties turned to some of the protestors who were drifting away, telling them they would be called on to come back there. Of those who were there, a few understood that the woman who addressed them—Sylvia Hill—has long been a key architect of the embassy protests and is a heroine in the struggle.

With the protest being revived because of increasingly repressive measures in South Africa, including the arrest of Anglican Archbishop Desmond M. Tutu, Sylvia Hill has once again emerged to do what is necessary.

It was on Thanksgiving Eve 1984 that three anti-apartheid demonstrators were first arrested for sitting in at the embassy—TransAfrica's Randall Robinson, Civil Rights Commissioner Mary Frances Berry and Del. Walter E. Fauntroy (D-D.C.). Georgetown University professor Eleanor Holmes Norton came out to talk to the media, but Hill was nowhere to be seen in the pictures of the group that appeared in newspapers and on television. Nevertheless, Hill was there—as the protest stretched into 365 days of picketing, rain or shine—meeting with protestors, organizing the marchers and sending celebrities off to be arrested.

"She's truly a long-distance runner," said writer and activist Roger Wilkins, one of the organizers of that first protest, which sparked a nationwide chain of anti-apartheid activities and culminated in U.S. sanctions against South Africa.

Behind most of the world's significant movements of social change are the nuts-and-bolts strategists who make it possible for charismatic leaders to capture the attention of the public and media. The late Ella Baker was the silent engine behind the Student Non-Violent Coordinating Committee; Rosalie Tucker, who recently died at 101, played a similar role in the labor movement.

Though Baker and Tucker were important role models for the Florida-born Hill, and she knows that "the history of women workers has been to be behind the scenes," she's no self-effacing traditionalist. This is a woman whose sense of self was honed in the scorching fires and idealism of the 1960s, that unique era of human liberation when people such as the Rev. Martin Luther King, Jr., John F. Kennedy, Malcolm X and Robert F. Kennedy nurtured young ideals. Hill's classmates at Howard University in-

cluded Stokely Carmichael—Kwame Toure. Sylvia Hill, like many of that generation, grappled with what it meant to be herself—in her case, a black southern woman.

As Hill listened to her Howard professors, as she marched with the others, she became drawn to dealing with problems that institutions inflict on the individual. After enrolling in graduate school in education at the University of Oregon, she studied with Arthur Pearl, a noted West Coast political activist and professor. Probing the reasons behind the poor academic performance of American Indians, poor whites, urban blacks and Mexican migrants, she helped design alternative educational programs.

On her journey of political awareness, she attended the Sixth Pan African Conference in 1974 in Tanzania. It was there that she came to her watershed decision that American blacks had to help make the southern Africa struggle visible if the apartheid system was to change. Moving to Washington, she and a group of people who attended that conference organized the Southern Africa Support Project 10 years ago. Thus when the call came from Randall Robinson to begin a campaign of civil disobedience, she moved naturally into a key behind-the-scenes role. "I see myself as a representative of a collective," she says. "I've had some personal tenacity, but the movement experience helped shape my political development."

And Hill, who is a professor of criminal justice at the University of the District of Columbia, said her role as teacher is important because "teaching is a way to socially reproduce myself."

A firm believer that only global sanctions will force an end to apartheid, Hill sees this presidential election year as a key time to elect a president who will be willing to use the United States' influence to coerce other countries into action. "We are particularly concerned about Japan and Israel and their continued dealings with South Africa," she says.

Deeply committed to individual action to fight injustice, she feels the alternative is that people become silent supporters of apartheid. "The world is looking at black people in U.S. foreign policy. Many people wonder what we will do in this struggle. Will we give up and allow things to remain or will we continue to struggle and climb the next mountain? To people with these questions, despite the lows in between, history indicates we always climbed the next mountain."

NORTH CAROLINA AND THE U.S.S. "MONITOR"

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing legislation to give statutory force to an agreement reached between myself and Dr. Anthony Calio, the former Under Secretary of Commerce for Oceans and Atmosphere. This legislation will ensure that a suitable display of artifacts and materials from the U.S.S. *Monitor* will be made available for display at an appropriate site in coastal North Carolina.

In February 1987, the National Oceanic and Atmospheric Administration chose the Mariners Museum in Newport News, VA, as the principal museum for the conservation, interpretation, and display of U.S.S. *Monitor* arti-

facts and materials. The manner in which NOAA handled the announcement of this choice was unfortunate and unprofessional, but this does not reflect upon the appropriateness of the Mariners Museum as a fitting institution to provide strong and capable leadership in the care and display of this national treasure.

As chairman of the Committee on Merchant Marine and Fisheries, I will do everything within my power to work with my committee colleagues from Virginia, Mr. BATEMAN and Mr. PICKETT, to assist the Mariners Museum in this important task. As the representative of North Carolina's First Congressional District, however, I want to assure the citizens of coastal North Carolina that they will also have an important role in interpreting the history of this famous warship.

Subsequent to NOAA's 1987 announcement, I was assured by Under Secretary Calio that suitable artifacts and materials would be available for display in North Carolina. In a letter dated March 12, 1987, the Under Secretary provided the following assurance: "I will ensure that a suitable display of *Monitor* artifacts and materials will be available to support the [North Carolina] facility."

Since Dr. Calio has subsequently resigned as Under Secretary for Oceans and Atmosphere, I feel it is appropriate to provide the people of coastal North Carolina with statutory protection. I want to state again, unequivocally, that this provision will not affect the responsibility bestowed upon the Mariners Museum.

The following quotation from "U.S.S. *Monitor*: The Ship That Launched A Modern Navy" defines the motive behind our Nation's passion for this shipwreck:

By modern standards, the U.S.S. *Monitor* was not much of a ship. She was only 172 feet long, displaced only 1,000 tons, and carried only two guns. Her career in the U.S. Navy was short—less than a year from the day she was commissioned until the day she sank. She fought only one battle, and in that engagement she fired only 41 shots. Yet her startling appearance in Hampton Roads, Virginia, on 8 March 1862, and her near muzzle-to-muzzle gun duel with the C.S.S. *Virginia* on the following day shook the world as . . . the age of sail ended and the age of steam-powered, armored ships began.

On December 30, 1862, the infamous waters of the "Graveyard of the Atlantic" accomplished what the mighty guns of the C.S.S. *Virginia* could not—the sinking of the U.S.S. *Monitor*. Since that time, the U.S.S. *Monitor* has been an important part of the history of coastal North Carolina, and especially the North Carolina outer banks.

North Carolina played a lead role in the discovery of the wreck in 1974. It was an expedition aboard the R.V. *Eastward* that discovered the wreck; the *Eastward* was owned and operated by the Duke University Marine Laboratory in Beaufort, NC.

Subsequent to the discovery of the wreck, the State of North Carolina has been the leader in demanding protection from potentially disruptive activities. Former North Carolina Gov. James E. Holshouser, Jr., nominated the site as the Nation's first National Marine Sanctuary, and the State has repeatedly insisted that the area be excluded from Federal oil and gas lease sales. Thanks to the efforts

of North Carolina the site remains largely as it was discovered in 1974.

East Carolina State University in Greenville, NC, has been the most active research institution in the investigation and archaeological documentation of the wreck. Dr. William Still and Mr. Gordon Watts, faculty members at East Carolina University, are two of the most recognized and respected experts on the U.S.S. *Monitor*.

Finally, the citizens of North Carolina's outer banks are very much aware of the important role which the U.S.S. *Monitor* plays in the history of this region. Recent proposals to establish a Graveyard of the Atlantic Museum demonstrate their interest and commitment. Artifacts and materials from the U.S.S. *Monitor* would be an important contribution to such a museum.

The bill which I am introducing today would provide statutory protection to the citizens of North Carolina that the assurance made by Dr. Calio will be fulfilled. It amends title III of the Marine Protection, Research and Sanctuaries Act by adding a new section 310 entitled "Monitor Artifacts".

Subsection (a) outlines Congressional findings that the wreck of the U.S.S. *Monitor* is tied physically and historically to the coastal areas of North Carolina.

Subsection (b) establishes a congressional policy that a suitable display of artifacts and materials from the U.S.S. *Monitor* shall be maintained permanently in coastal North Carolina. This language corresponds directly to the assurance given to me by former Under Secretary Calio.

Subsection (c) requires development, within 6 months of enactment, of a plan for display of artifacts and materials in coastal North Carolina. This plan will identify appropriate sites, and suitable artifacts and materials. In addition, it will include an interpretive plan and a draft cooperative agreement with the State of North Carolina and any other appropriate party necessary to implement that plan.

Subsection (d) is a disclaimer, intended to clarify that this legislation will not alter NOAA's responsibility and authority to ensure the preservation, conservation, and display of U.S.S. *Monitor* artifacts and materials. Most importantly, it will not affect the designation and responsibility of the Mariners Museum as the principal museum for coordination of activities concerning display and interpretation of U.S.S. *Monitor* artifacts and materials.

DEBT FOR DEVELOPMENT ACT OF 1988

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. CONTE. Mr. Speaker, yesterday my colleague MATT McHUGH and I introduced a bill to help ease the substantial debt burden on the world's poorest nations. The Debt for Development Act would modify section 124 of the Foreign Assistance Act of 1961 to allow the President to authorize the repayment in local currencies of development debt owed to the United States by the poorest nations. The local currencies would then be used for more development purposes.

Section 124 has never been used since it became part of the Foreign Assistance Act in 1979. Congress is supposed to set a ceiling on the total amount of debt that could be forgiven each year, but Congress has not done so. Our bill will establish the ceiling at \$75 million for fiscal year 1989. The President would then be authorized, but not required, to take action on a case-by-case basis to relieve debt by allowing repayment in local currencies, or in certain cases forgiving the interest on debt owed to the United States.

We are targeting our bill at those countries which are considered relatively least developed. Those countries suffer the greatest burden from debt. It stifles what little growth they have, it uses up valuable foreign exchange generated from exports, it reduces the ability of governments to provide necessary services, and it lowers the income of citizens. The debt burden is now a major constraint on development and a factor in the continuing hunger and malnourishment affecting many nations.

The problems of debt are not only felt by those countries which bear the debt burden. The United States is affected as well. Prior to 1981 developing countries were a major U.S. export market. But those developing countries no longer have economies which can sustain growth in imports. Debt relief will help develop markets for U.S. exports, easing our trade difficulties.

As Mr. McHUGH says, this is a modest proposal. It is meant to move Congress and the President to deal with the problem of debt in a flexible, though small, way. It is not a solution to the debt problems, but it is a beginning.

WORDS OF WISDOM FOR GRADUATES

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 12, 1988

Mr. LOTT. Mr. Speaker, I would like to call to the attention of my colleagues the attached commencement address presented this past weekend by Secretary William J. Bennett. Given before the 1988 graduating class of the University of Southern Mississippi, the words provide all young adults with some inspirational guidance toward taking off in the direction of the real world. I hope all will take the time to read these insightful comments of our distinguished Secretary.

The Secretary's commencement address follows:

ADVICE FOR THE OTHER PARTS OF THE REAL WORLD

Congressman Lott, Mr. President. Good morning ladies and gentlemen, graduates of the Class of '88. Well, I had thought about singing my address this morning, but after hearing Mr. Smith's and Mr. Brown's beautiful presentation of "The Pilgrim's Psalm," I think I will pass.

I am deeply privileged to be your speaker this morning. It is nice to be back in Hattiesburg at USM, almost twenty years to the day when I left here. I recognize Mr. Montgomery, who is now the University's Registrar and who was one of my students when I was a member of the Philosophy Department.

It is also particularly nice to be introduced by your outstanding Congressman from the

Fifth District, Trent Lott. As Flannery O'Connor says, "A good man is hard to find," and today sometimes that is true. But Trent Lott is a good man and that is one reason why I am here today.

Now I have my directions from the President's office. I'm not to talk too long. 20 to 25 minutes would be ample I was told and I thought I detected a suggestion that less than 20 would do. So my question—a question others have asked—is how am I to fill in the time before I may decently sit down and allow the really important part of the proceedings—the conferral of degrees on you—to begin? Well, a very bright may, a good student of the humanities, Robertson Davies, has been of help to me here (and a little later on) in recalling what the usual thing is at a commencement.

The usual thing at a commencement, says Davies, the statistically normal thing, is for the speaker to tell the graduating class that they are going out into a world torn by dissent, racked by problems of unprecedented knottiness and difficulty and that we are all headed for the abyss of destruction unless you, the graduating class, will shoulder your burden and do something splendid to put everything right. The commencement speaker usually says he can't help; he generally admits that he is at the end of this tether, or he is old and broken on the wheel of fate and his decrepitude and his wounds have been received in this great battle with the world's problems. He then says, throwing the torch to you, that nothing, absolutely nothing, can be expected of him in the future. And from his failing hands and with grasping breath he throws you the torch and plants, dear graduates, the task of setting the world right square on your shoulders. He says that he does it with confidence because he believes you are wonderful. But graduation speakers are often so gloomy that one wonders how much their confidence in the graduates is worth. Sometimes one even gets the impression that immediately after commencement the speaker is going home to sit in a dark room and sink into a deep depression.

Well, that is not my intention. Either to throw you the torch or to sink into torpor at 12 o'clock, but to offer you, the graduating class, some advice. You may think it simple, perhaps pedestrian, perhaps commonplace; but as things may be good even if commonplace, they may be true even if they are simple. So here are four pieces of advice, general but personal advice, to each of you about the other parts of the real world to which you are now being transferred. I do not wish to speak of life in the government, in Washington, or of public policy or of some burning public issue of the day, but rather of some of the steady enduring issues of every day and offer a little of what I think that particular blessing of civilization: the humanities, have advised us about them.

First piece of advice (my longest one if you're timing me)—if you can, try to like life. Be good-humored about your mortality.

I don't mean that you should like all parts of the world or that you should be happy with all parts of your life or condition, but my advice is that your attitude be one of optimism and of interest. And, that's largely under your control. Writing about disappointment, George Eliot once said, "Everything depends—not on the fact of disappointment—but on the nature affected and the force that stirs it." Let disappointment, when it comes, stir you.

It is practical optimism that I recommend. Now you may wish to be a theoretical pessimist. That is, you may wish to believe, (as I do), that in the end, in the real long run,

Nation's economic future through the creation of special capital gains treatment for individuals. I am pleased to be joined by my good friend from Oregon, Congressman Les AuCoin.

Generally, this legislation would set corporate capital gains at the pretax reform rate of 28 percent. More importantly, it would establish a three-tiered capital gains rate differential for individuals. Specifically, taxpayers could take a 100-percent exclusion of net capital gain for assets held for 5 years or longer, a 60-percent exclusion for assets held for a minimum of 3 years, and a 40-percent exclusion for assets held for a minimum of 1 year.

Let me start by letting you know, Madam Speaker, that I supported the Tax Reform Act of 1986 because of the tax relief it provided to America's working consumers. Widening the tax base together with substantial increases in the standard deduction, personal exemption, and earned-income tax credit have removed a significant number of low-income families and senior citizens from the tax rolls. And new lower rates have also lessened the tax burden of most middle-income families. However, while we focused our attention on closing existing loopholes and helping the individual taxpayer, we lost sight of one of the most significant success stories in recent years.

In 1978, we reduced the maximum individual capital gains tax from 50 to 28 percent. And in 1981, we further reduced the top capital gains tax rate to 20 percent. These reductions in the individual capital gains tax improved the investment climate, facilitated a record number of new stock offerings, and bolstered corporate equity values and employment gains across the entire economic spectrum. In short, capital gains tax cuts proved to be an economic success story.

Deliberations on tax reform came to the conclusion, however, that if the top rate could be held to 28 percent, no special treatment for capital gains would be needed. And I should point out that the capital gain of upper middle-income taxpayers will be subject to a maximum marginal rate of 33 percent beginning next year. Like many of my colleagues, I expressed concern about raising the capital gains tax rate and eliminating a crucial element of economic progress: risk taking.

Most of us know too little of history to appreciate the pioneering and venturing into the unknown, the effort and the risking of funds, that have contributed to our way of life. What we now take for granted was once just an idea in need of financial backing. Folks who were successful in risky ventures—those who invested in ideas and effort and those who put up the funds—could expect some protection from the top rates of income taxation.

Our international competitors recognize the contribution a capital gains tax differential can make to new risk capital, entrepreneurship, and new job creation. According to an Arthur Andersen & Co. study comparing tax rates on portfolio stock investment among 11 major industrialized nations and six Pacific basin countries, U.S. capital gains taxes are higher than almost all surveyed countries. Japan, West Germany, Taiwan, Hong Kong, and South Korea impose no tax on long-term capital gains. It appears to me that we will be in great need of venture capital if America is going to compete effectively in the increasingly competitive world market place.

In July of this year, I attended the National Academy of Sciences Conference on Science, Technology, and Competitiveness in Massachusetts, where a number of experts convincingly described the many obstacles confronting our research and development efforts and suppressing our ability to compete in the international market place. While a number of revisions to our Tax Code were identified as changes that could enhance our competitive edge, providing individual taxpayers with a strong incentive to invest in capital enjoyed near unanimous support. Among the experts, the concept of a three-tiered individual capital gains rate differential was by far the first choice.

Madam Speaker, the bill I have introduced encompasses this three-tiered capital gains approach. This legislation will help us rebuild a greater tax incentive for those who invest in ventures with risk, provide for a stronger capital foundation and a more stable economy, and keep America at the front of the pack in innovation and ingenuity.

INTRODUCTION OF MARINE SANCTUARIES RESTORATION ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. STUDDS] is recognized for 5 minutes.

Mr. STUDDS. Madam Speaker, I am today introducing a bill to restore the resources of national marine sanctuaries that are periodically damaged by a wide variety of activities, including vessel groundings and anchoring, oil spills, and theft.

The bill that I am introducing today will ensure that people who damage our marine sanctuaries are held responsible for it, and that financial payments to meet that responsibility go where they should go—to repair the damage done in the first place. Through an existing legal loophole, our national marine sanctuary system may well lose a significant infusion of cash—over \$6 million—to the Treas-

ury, when, in fact, it should be spent on that for which it was collected.

Several events demonstrate the need for the legislation. On the night of April 4, 1984, the M.V. *Wellwood* wandered off course and ploughed a path through the priceless coral reefs of Key Largo National Marine Sanctuary before running aground. The United States sued the vessel, and settled the litigation when the owner promised to pay over \$6 million to the Government. Unfortunately, it may be money that does the Key Largo Sanctuary little good indeed, for under current law it will not make its way back to finance repairs on the sanctuary, but will disappear into the general fund instead.

More recently, two vessels collided off Point Barrow, CA, just outside the Channel Islands Marine Sanctuary on September 21 of this year, causing one of the vessels—the PAC *Barroness*—to sink with a cargo of copper ore and 386,000 gallons of diesel fuel. Diesel fuel surfaced at approximately 100 gallons a day, threatening the pristine marine mammal and marine bird populations and habitats of the Channel Island National Marine Sanctuary.

The bill that I am introducing today amends title III of the Marine Protection, Research and Sanctuaries Act to impose liability on those who cause damage to the resources of a national marine sanctuary and clarifies the authority of the National Oceanic and Atmospheric Administration [NOAA] to recover for those damages. It further provides that the recovered funds shall be deposited into a special account and devoted to restoring the marine sanctuary that suffered the harm in the first place.

The establishment of these special funds and the spending from them is to occur in the same manner as provided for similar funds under section 107(f) of the Comprehensive Environmental Response, Compensation and Liability Act, or Superfund. Where the restoration of the sanctuary resources is not technically possible or the costs of it are grossly disproportionate to the importance of the resource, the bill also sets out alternative funding priorities within the sanctuary system.

Madam Speaker, I believe that rapid enactment of this legislation will provide a needed financial boost for the National Marine Sanctuary System. It will direct a very significant sum of money that will be flowing to the United States into that system. It will guarantee that those who damage our valuable marine areas pay for it, and that the money they pay does what it should do—repair the damage done. I urge its swift consideration and passage.

supporting research on teaching and improving preservice and inservice education for teachers and school administrators; and developing model programs designed to provide teachers with the skills needed to maintain classroom discipline. The Secretary would be authorized to issue regulations requiring program participants to remain either teachers or school administrators for a reasonable period of time, or to repay the cost of their training.

Section 211. Section 211 of the Act would require that State and local educational agencies use funds under the Act to supplement and, to the extent practicable, increase the amount of non-Federal funds that would in the absence of Federal funds be made available for the purposes of the Act, and not to supplant such non-Federal funds. Section 211 would also clarify that no funds under the Act could be used to benefit teachers or school administrators in private, for-profit schools.

THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972 AS AMENDED

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. ROE. Mr. Speaker, the Marine Protection, Research, and Sanctuaries Act of 1972 [MPRSA], as amended, provides for, among other things, the regulation of ocean dumping—title I—and research on the effects of ocean dumping and other activities on the marine environment—title II. Sections 201, 202, and 204 of title II are administered by the Secretary of Commerce.

Section 201 of the act directs the Secretary of Commerce to carry out a comprehensive program of monitoring and research on the effects of ocean dumping. The National Oceanic and Atmospheric Administration initiated its ocean dumping program in fiscal year 1974. Present research includes identification of the most harmful constituents of ocean-dumped wastes, investigation of rates and patterns of waste dispersal, and the local effects of ocean dumping. The results of this research are presented in annual reports to Congress and in a series of site evaluation reports.

Section 202 of the act directs the Secretary of Commerce, in close consultation with other appropriate Federal departments and agencies, to establish a comprehensive and continuing program of research on the possible long-range effects of pollution, overfishing, and other activities on ocean ecosystems. In carrying out this research, the Secretary of Commerce must take into account factors such as existing and proposed international policies affecting oceanic problems, economic considerations involved in the protection and use of the oceans, possible alternatives to existing programs, the development of methodologies for disposal of waste materials to minimize degradation of the marine environment, and ways in which the health of the oceans may be preserved for the benefit of future generations. Section 204 requires the Secretary of Commerce to report annually to the Congress on his activities under title II.

The authorization of appropriations will expire on September 30, 1987. This draft bill would reauthorize appropriations for title II at a level not to exceed \$4,835,000 for fiscal year 1988, and such sums as may be necessary for fiscal year 1989.

PROTECTIONISM ENDANGERS CALIFORNIA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. LEVINE of California. Mr. Speaker, we will soon take up the omnibus trade bill once again. It has never been clearer that we must take some action to improve our trading situation. The question we face is what measures we can take that will actually improve our economy, and what measures may backfire by triggering retaliation from other nations. This concern is a deep and real one for Californians because about 60 percent of America's trade with the Pacific Rim nations is conducted through California. We must be careful in attacking our trade deficit not to harm this fruitful and constantly growing relationship.

Former Senator John Tunney recently wrote a very incisive piece on this subject for the Los Angeles Times. I recommend it highly to all of my colleagues as we move into the debate on this very important topic.

PROTECTIONISM ENDANGERS CALIFORNIA—THREATENS PACIFIC TRADE, COULD CUT JOBS AND INVESTMENT HERE

(By John V. Tunney)

Wake up, Californians. Our state's prosperity is endangered. The threat is from restrictive trade bills that are being introduced in the 100th Congress as hoped-for solutions to America's record-breaking trade deficit and the loss of American jobs to foreign competitors.

California cannot afford restrictive legislation, because so much of our state's economy now depends on foreign trade and direct foreign investment in our corporations, factories and real estate.

Approximately 60% of all U.S. trade with the Pacific Rim nations—a market growing at the rate of \$3 billion a week—now passes through California, generating enormous revenues.

As America's gateway to the Pacific Rim, Los Angeles has gained uncoupled thousands of new jobs. An estimated 10% of all jobs here are linked to trade with Asia, according to attorney Douglas Ring in a recent study of the city's Pacific trade link.

California's booming foreign trade has also yielded millions of dollars in additional tax revenues, and it is responsible for the revival of entire communities—such as downtown Long Beach, where the \$550-million World Trade Center is now under construction. The opportunity to export U.S.-manufactured goods to thriving Pacific Rim nations is one reason California gained 132,000 manufacturing jobs between 1982 and 1985 while the rest of the nation lost 800,000 such jobs during the same period.

Restrictive legislation would not only limit this vital trade, it would also indirectly discourage foreign investment in California. Japan's Shuwa Investments Corp., for instance, recently purchased the twin Arco Plaza office buildings in downtown Los An-

geles for a record \$620 million. Singapore's Wearnes Technology has acquired several troubled Silicon Valley computer-component firms in hopes of turning the companies around. And Japan's Sanyo Corp. has opened a compact refrigerator factory in San Diego County that will eventually employ 750 people.

This year California can expect even further increases in foreign investment, especially from cash-flush Japan. The high value of the yen encourages Japanese companies to shift production to America—and especially to California, where the Japanese already have made 40% of their U.S. investments in recent years. In fact, one-third of all Japanese-owned companies in the United States already are located in California, providing jobs for 47,000 people.

These factors promise a prosperous future for California—unless Congress passes restrictive trade legislation. Such restrictions have failed in the past. In 1930, for example, Congress passed the protectionist Smoot-Hawley Act in an effort to protect domestic jobs. In response other nations hurriedly erected trade barriers, and U.S. exports dropped 70% between 1929 and 1933, at the expense of American jobs.

Restrictive trade legislation won't work any better today. When the United States placed high tariffs on European pasta last year, to cite one tit-for-tat example, the European Community placed high tariffs on American walnuts and lemons.

Protectionist legislation, whether in the form of retaliatory tariffs or additional import quotas, would be a calamity for California—and not just because these measures would slow the all-important trade through our ports or reduce direct foreign investment in our state.

Consider California's own exports to other nations. In 1985, the most recent year for which complete figures are available, California exported \$7.5 billion worth of goods to Japan. Higher Japanese tariffs, enacted in retaliation for new American tariffs, would hurt these California manufacturers and farmers.

Additional import quotas will harm California in other economic areas as well. Consider the existing import quotas on Japanese cars, which were enacted to save U.S. auto-manufacturing jobs. California has been the loser, because our state has only two auto plants, and the Toyota-General Motors joint venture in Fremont is one of them. Thus the real effect of the auto-import quotas for California has been to reduce competition and create artificially higher prices for all cars—Japanese and protected American models alike.

In today's global economy, protectionism can even encourage American companies to open factories in other countries at the expense of local jobs. A recent series of U.S. import quotas, for instance, included foreign-made items used by Davis Walker Corp. for manufacturing wire products in Los Angeles. Because of the quotas, the company purchased the items from domestic mills despite recurring quality problems. To make matters worse, the company's Canadian rivals, who were not affected by the American import quotas, still purchased the foreign-made components and undersold Davis Walker in the United States. To remain competitive, Davis Walker expanded its Canadian facilities at the expense of its operations in Los Angeles.

Of course, something must be done about America's record-breaking trade deficits. And members of Congress, business leaders

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a clear picture of how the law is being applied.

As you know, treatment which causes physical or psychological pain to the prisoner is forbidden by law. Infringement of the prisoner's human dignity and humiliation of prisoners is forbidden under Yugoslav law and according to international agreement. Judging by our own experiences these are obviously not isolated incidents.

SANTA BARBARA CHANNEL PROTECTION ACT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1987

Mr. LAGOMARSINO. Mr. Speaker, I am today introducing the Santa Barbara Channel Protection Act. This bill, which is being cosponsored by my colleagues BOB DAVIS, DON YOUNG, PATRICIA SAIKI, WALLEY HERGER, ELTON GALLEGLEY, and NORM SHUMWAY is the result of hearings last week before the House Subcommittee on Coast Guard and Navigation, on legislation I offered last January addressing vessel traffic in the Santa Barbara Channel of California.

As a result of those hearings and submissions by the Coast Guard, Department of Interior, National Oceanic and Atmospheric Administration, county and city officials, the University of California at Santa Barbara, fishermen, industry representatives, conservationists and private citizens, we have developed a five-part bill addressing the issues of international cooperation, environmental protection, navigation, liability, and Federal, State, and local coordination on the matter of vessel traffic in the channel.

The first title directs the Secretary of Transportation to support and encourage the ratification of the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers and to report back next June on progress made toward ratification. The Secretary is also directed to prepare and submit proposals to the International Maritime Organization by next June to designate the islands of the Santa Barbara National Marine Sanctuary as an area to be avoided, and to establish an alternate traffic separation scheme to the existing sealanes through the channel.

Title II establishes a Santa Barbara Environmental Protection Zone over the sanctuary and directs the Secretary of Transportation to report to Congress by next June on the equipment, safety and crew standards that should be required on all vessels, including oil tankers, in the zone. The report shall include recommendations on: First, whether to require U.S. citizen pilots to navigate vessels operating in the Santa Barbara Channel; second, whether to institute tug and fireboat requirements in the Santa Barbara Harbor; and third, whether to establish a vessel traffic system to monitor and control shipping operations in the channel.

Title III directs the Secretary of Transportation to report by next June on progress toward establishment of a fairway within the Santa Barbara Channel traffic separation scheme; to establish, as soon as practicable, a NAVTEX

EXTENSIONS OF REMARKS

radio safety service to provide navigational, weather, and other urgent safety information in the channel; and to conduct a study on the amount of vessel traffic in the channel and on whether additional navigational aids are needed. In addition, title III directs the Secretary of Commerce, in cooperation with the Secretary of Transportation, to report on whether to establish a weather station in Santa Barbara.

Title IV of the bill establishes a system to recover civil damages when sanctuary resources are damaged, and earmarks the damages for sanctuary protection programs.

Title V directs the Secretary of Transportation, in cooperation with other Federal agencies, to investigate and coordinate all Federal, State, and local studies presently being conducted on shipping hazards in the channel and report on the effectiveness of contingency planning, the adequacy of existing Federal, State, and local resources in the event of a pollution incident. The Secretary is also directed to recommend whether Congress should establish a Santa Barbara Channel Advisory Committee to recommend ways of dealing with shipping hazards in the channel.

Mr. Speaker, I feel this bill addresses an urgent problem, as demonstrated by the recent shipwreck off Point Conception, and look forward to working with Federal, State, and local agencies and interested parties to develop a comprehensive response to traffic problems in the Santa Barbara channel.

EAGLE SCOUTS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1987

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding young man from my district who has completed a major goal of his Scouting career, Daniel Szymanski, of Troop 326 in Cicero, IL.

Daniel will be awarded the rank of Eagle Scout at the court of honor to be held Sunday, January 10, 1988, at the Wesley Methodist Church in Cicero.

The Boy Scouts of America represents some of the finest youth in our country and the training and values that they receive and develop during their years of Scouting are invaluable to them and to their country in all the years later.

I am sure that my colleagues join me in intending heartfelt congratulations to Daniel on this outstanding achievement.

SANDER LEVIN ANNOUNCES U.S. SERVICE ACADEMY NOMINA- TIONS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1987

Mr. LEVIN of Michigan. Mr. Speaker, one of my most pleasant duties since coming to the Congress in 1983 has been my participation in

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the U.S. Service Academy Program. Through this program, Members of Congress may nominate outstanding young people to our Nation's academies. In the 17th District of Michigan, we have developed an outstanding committee of hard working, dedicated individuals who meet every year for the purpose of recommending young men and women to me for nomination to the academies. Their work has resulted in great success. As I look forward to the graduation of our first nominees in 1988, it is with great pride that I announce the principal candidates nominated to the classes of 1992.

Conrad Orloff, a senior at Dondero High School, has been named the principal nominee to the Navy Academy. Conrad is the son of Frederick and Heidmarie Orloff of Royal Oak. Suzanne Stokes, the principal candidate named to the Air Force Academy, is a senior at Bishop Borgess High School. She is the daughter of Ronald and Carolyn Stokes in Detroit. Marek Stobbe, a senior at Oak Park High School, has been named the principal candidate for one vacancy at the Military Academy. Marek is the son of Ryszard and Krystyna Stobbe of Oak Park. Named principal nominee for the other vacancy at West Point was Timothy Zacharias, address of record Redford Township. Tim resides with his parents, Andrew and Lynn Zacharias, in West Germany and attends the Vilseck American School.

The members of the selection committee join me in offering heartfelt congratulations to these fine young people on their outstanding accomplishments and we wish them the very best.

STRATEGY IS VITAL

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1987

Mr. VOLKMER. Mr. Speaker, our colleague from Missouri, IKE SKELTON, has recently been named chairman of a special House Armed Services Committee Panel on Military Education. The panel was formed in order to take a good, hard look at the way we educate our military officers. What follows is an editorial from a Missouri newspaper, the Camdenton Reveille. I think the editorial speaks for itself.

[From the Camdenton (AR) Reveille, Nov. 19, 1987]

STRATEGY IS VITAL IN OUR OPINION

(By Vaughn Poertner)

The lake area's Congressman Ike Skelton has been beating the drums lately for something that should be as plain as anything can be: America needs a long-range cohesive military strategy.

We need a plan coinciding with our national goals that will protect our national interests—a plan not only to stave off catastrophe in the current world so rife with conflict, but to solve problems affecting our position in the global scheme as troubles arise.

Our congressman this week was appointed chairman of a House panel charged with exploring professional military education and coming up with ways to teach professional military people to formulate strategy and pass it on to the president and congress.

assist consumers in comparison shopping between credit card programs.

In short, I strongly support the conference report on H.R. 515. H.R. 515 is a necessary and well thought out consumer measure. I urge my colleagues to join me in voting to pass this important legislation today.

Mr. WYLE. Mr. Speaker, I rise in support of the conference report on H.R. 515, the Fair Credit and Charge Card Disclosure Act of 1988. I would like to commend the chairman of the Banking Committee, Mr. ST. GERMAIN, as well as the other conferees on H.R. 515 for their splendid work. I believe we have come up with an excellent package that will provide significant consumer benefits. I have always been a strong supporter of credit card disclosure legislation and am pleased that we are able to consider this issue today.

H.R. 515's credit card disclosure provisions will be a great benefit to the American consumer. I believe that there is a need to provide consumers with adequate information upon which to base a decision when they select the credit cards they use. I am a great proponent of the bills disclosure requirements.

H.R. 515, as it was passed by the House, had wide bipartisan support as well as the support of virtually the entire consumer credit industry. The House passed the bill by a vote of 408 to 1. The legislation generally required that card issuers disclose, at the time of application: First, the annual percentage rate charged by the issuer; second, any annual fee charged for card availability; and third, any grace period during which consumers would be free from finance charges. Additionally, the bill would ensure national uniformity of disclosure in connection with credit card applications. I strongly supported the House bill.

The conference report we are considering today embodies the principal components of the House bill. The conference has added certain disclosures and has retained the House's strict Federal preemption standard. The conference report has broad backing from both industry and consumer groups.

In short, I am a strong proponent of credit card disclosure and feel that H.R. 515 represents an important and needed consumer measure. I urge my colleagues to support the conference report. Thank you.

Mr. BARNARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore (Mr. GONZALEZ). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ANNUNZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question will be postponed until Tuesday, October 18, 1988.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, October 18, 1988.

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972 REAUTHORIZATION FOR FISCAL YEARS 1989 AND 1990

Mr. LOWRY of Washington. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4210) to authorize appropriations to carry out titles II and III of the Marine Protection, Research, and Sanctuaries Act of 1972, to establish the National Oceans Policy Commission, and for other purposes."

The Clerk read as follows:

Senate amendments:

Page 12, line 4, after "304(a)(1)(C)" insert "and (a)(5)".

Page 12, line 5, after "1434(a)(1)(C)" insert "and (a)(5)".

Strike out page 27 through page 42, inclusive.

The SPEAKER pro tempore. Is a second demanded?

Mr. SHUMWAY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington [Mr. Lowry] will be recognized for 20 minutes and the gentleman from California [Mr. SHUMWAY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. Lowry].

Mr. LOWRY of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has already passed the House and is simply coming back from the other body with very minor modifications. Mr. Speaker, H.R. 4210 would reauthorize title II of the Marine Protection, Research and Sanctuaries Act [MPRSA] at levels of \$13,500,000 and \$14,500,000 for fiscal years 1989 and 1990, respectively. In addition, H.R. 4210 would require that the Secretary of Commerce ensure that the research program conducted under subsection (a) of title II be consistent with the comprehensive plan developed under section 4 of the National Ocean Pollution Planning Act

of 1978, the reauthorization of which we will be marking up later.

The primary purpose of title II of the MPRSA is to provide for short- and long-term research and monitoring on the effects of pollution, overfishing, and other activities on the marine environment, including the specific effects of ocean dumping. The types of programs funded under title II include MOAA's Status and Trends Program, which monitors water quality data from various estuaries around the nation; the Consequences of Contamination Program, which links the chemical data collected in the Status and Trends Program with the actual effects on Marine life; the Strategic Assessment Branch, which prepared data atlases and maps of various estuaries; and the Hazardous Materials Response Program, which is NOAA's research and response capability for meeting hazardous material emergencies and conducting long-term resource assessments under the Superfund law.

As Members recently heard during NOAA's fiscal year budget testimony, the Status and Trends would be rescued by approximately \$5.7 million in this year's budget. I believe that this authorization legislation is important to put this committee on record that it supports the Status and Trends Program, as well as other ocean pollution research efforts underway at NOAA to better understand the fate and effects of contaminants and other pollutants which we have discharged into our nation's waterbodies for years.

Mr. Speaker, this bill also includes the text of H.R. 4208, legislation that I introduced on March 21, 1988, with my colleagues, Mr. JONES of North Carolina, Mr. STUBBS, Mr. FASCELL, Mr. ALEXANDER, and Mr. HUGHES. The basic purpose of H.R. 4208 is to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972 to reauthorize the National Marine Sanctuary Program for 4 years with a modest expansion of funding based on the additional requirements of the legislation.

Nationally significant marine resource areas are of great value for research, education, and for promoting general public awareness of our marine environment. As our ocean waters are continuously threatened by pollution and other damaging incidents, the establishment and maintenance of marine sanctuaries for the protection of nationally significant resources is of essential priority if we are to continue to enjoy the benefits of unique ocean and coastal resources to which we have become accustomed. The amendments to the Marine Protection, Research, and Sanctuaries Act that have been incorporated into this piece of legislation recognize issues that require immediate attention. These include the need for: First, im-

proved timeliness and predictability of the national marine sanctuary site designation process; second, clarification of liability for damages to these valuable marine resources; and third, movement toward a uniform enforcement authority to better protect marine resources.

To begin, I would like to point out that existing law contains no deadline regarding site designation. This creates a tremendous problem as too often NOAA has proposed active candidates for site designation, for example Cordell Banks or Flower Garden Banks National Marine Sanctuary, and never completes the process to finally designate the Sanctuary. Section 102 amends title III to require the Secretary to publish a notice of designation with final regulations—or findings detailing reasons why one has not been published—within 30 months of the date which a site is determined to be an "active candidate" from the site evaluation list.

Mr. Speaker, these new provisions would force action that has been delayed in the past. The bill also mandates that decisions not to proceed with designation of a site be explained in writing and referred to the relevant House and Senate committees. This will in turn increase the predictability and accountability of the designation process.

The next section deals with the promotion and coordination of research, special use permits, and cooperative agreements and donations. Section 103 of this act strikes section 308 of the title and adds sections 309, 310, and 311 to deal with the above topics, respectively. Since national marine sanctuaries provide ideal environments for conducting marine research projects, section 309 requests that NOAA give priority to marine research within the marine sanctuaries and consult with Federal and State agencies to actively promote their use of the sanctuaries for research purposes.

Because not all activities can be adequately controlled under existing sanctuary regulations, such as those for research, education, and salvaging, section 310 establishes a special use permitting system to complement those existing regulations. If NOAA determines that a permit is necessary to promote public use and understanding of or to establish access to a sanctuary, it may issue such a permit with a 5-year maximum duration, renewable by the Secretary, under the specific terms established in this section. These terms require that the permittee's activities are compatible with the purposes for which the sanctuary was designated, not resulting in any destruction, loss, or injury to its resources, and that the permittee maintains general liability insurance. The permittee must submit an annual report describing the activities con-

ducted by the end of each year. Should any of these terms be violated, the Secretary is authorized to revoke the permit. Section 310 also establishes a specific method of determining the permit fee and authorizes the Secretary to use these fees for management purposes and permit administration. Under section 311, the Secretary of Commerce is explicitly authorized to enter into cooperative agreements with any nonprofit organizations and to authorize those organizations to solicit private donations for the support of sanctuary activities. This section also allows the Secretary to accept any donations and to expend those donations for sanctuary purposes.

The next section, section 104, establishes a system for restoring those marine sanctuary resources that are destroyed, injured or lost. The section states that any person responsible for such destruction, injury or loss will be held liable to the United States for damages and appropriate response costs. Likewise, any responsible vessels will be held liable in rem. Persons will not be liable if they can establish that the destruction, injury or loss was caused by an act of God, war, or a third party, that the causal activity was authorized by Federal or State law or that the damage is of a de minimis nature. The Secretary is directed to pursue civil actions against those persons who are liable to recover response costs and damages.

Recovered funds will be set aside in a separate account and used to remedy the damaged resources. This provision works in accordance with section 107(f)(1) of the Comprehensive Environmental Response, Liability and Compensation Act [CERCLA]. The set-aside may exist at a maximum of \$750,000 to finance the relevant response actions. The bill requires that remaining funds be used to restore, replace, or acquire the equivalent of the damaged resources. In the event that this is not possible, the Secretary is authorized to use the funds for managing and improving the affected sanctuary and then managing other sanctuaries in need of funding.

Mr. Speaker, because of the slow pace of the designation process, specifically with respect to Cordell Banks and Flower Gardens, and because of nationally significant characteristics found in other areas, section 105 of this act establishes a specific schedule for the designation process for four sites: Cordell Banks, Flower Gardens, Monterey Bay, and western Washington outer coast. The section requires that a final notice of designation for the Cordell Banks National Marine Sanctuary be issued no later than December 31, 1988. It is my understanding that this is feasible and that the Administration actually intends to

publish the notice prior to this deadline.

A notice of designation for the Flower Gardens National Marine Sanctuary is required by March 31, 1989. Although the designation process for this site has been underway for 10 years, I believe that this date is reasonable now that disputes between NOAA and the State Department regarding NOAA's authority to prohibit harmful anchoring of foreign flag vessels in that area have been resolved. Section 105 requires that Monterey Bay's final notice of designation be issued no later than December 31, 1989. Monterey Bay was previously an active candidate for designation, until NOAA removed it from the list for reasons which are somewhat unclear and inadequate. For example, NOAA felt that this was not a necessary sanctuary because two other sanctuaries in California protect similar resources and that the size of the proposed sanctuary would put a strain on NOAA's existing enforcement capabilities.

California's present sanctuary resources do not include submarine canyons, such as those found in Monterey Bay and are not as accessible to the public as Monterey Bay. In addition, NOAA did not know what the size of the Monterey Bay National Marine Sanctuary would be since the evaluation process was never completed. It turns out, in fact, that the Monterey Bay National Marine Sanctuary would most likely be considerably smaller than either of the two existing California sanctuaries. These facts, coupled with pollution, from various sources, that continues to pose serious health threats which cannot be controlled by existing conservation measures in the area, support my belief that Monterey Bay is certainly appropriate for designation.

The western Washington outer coast was placed on the site evaluation list in August of 1983 and, under this Act, would be finally designated by June 30, 1990. This site is adjacent to the Olympic National Park and holds a nationally significant collection of flora and fauna in addition to its variety of sea birds and marine mammals. However, the boundaries for this site as described when placed on the site evaluation list are not adequate for the protection of the rocky stacks used by the sea birds and marine mammals which are so integral to the significance of this site. Therefore, Mr. Speaker, I would like to make a strong point of directing NOAA to use initial boundary descriptions only as a general point from which further detailed review should stem. The boundaries should be subject to change upon review and open to development until the final notice of designation is issued. Section 105 of this Act also requires that the Secretary submit a prospectus to the

Congress regarding the proposed Northern Puget Sound National Marine Sanctuary by March 31, 1991, and the Stellwagon Banks National Marine Sanctuary by September 30, 1990. These areas contain nationally significant characteristics that should be protected, but is also a source of various human recreational and research activities. Because of the multiple uses of the areas and the fact that extensive consultation is necessary regarding the specific areas to be designated, I believe that these deadlines are appropriate for the prospectuses.

Section 106 of this act recognizes four new areas that may be suitable for designation: American Shoal, Sombrero Key, Alligator Reef, and Santa Monica Bay. This section requires the Secretary to conduct investigations of these areas and to submit, not later than 2 years after the enactment of the act, a report to Congress regarding a decision as to whether any of these areas, or parts thereof, are appropriate for designation as marine sanctuaries or, in the case of the Florida Key areas, for addition to the existing Key Largo or Looe Key National Marine Sanctuaries.

Section 107 makes some amendments regarding enforcement activities as a move toward uniform authority to diminish possible confusion by marine law enforcement agents. These amendments have been modeled after the enforcement provisions of the Magnuson Fishery Conservation and Management Act. Clarifications have been made with respect to civil penalty assessment, property seizure or forfeiture and storage costs. All are consistent with authorities found in the Magnuson Act.

In section 108 of this Act, new sections are added to title III regarding the authorization of appropriations and U.S.S. *Monitor* artifacts and materials. In contrast to past plans, appropriation authorizations would be divided into three categories: First, "general administration," which includes any costs relating to NOAA headquarters operations; second, "management of sanctuaries," which includes any costs relating to onsite management and operations; and third, "site review and analysis," which includes any costs relating to the consideration of a site for national marine sanctuary designation.

Provisions regarding U.S.S. *Monitor* artifacts and materials require the Secretary to submit, within 6 months of the enactment of this Act, a plan that identifies suitable artifacts and materials to be displayed as well as suitable display sites in coastal North Carolina.

Section 109 deals with the protection of the Channel Islands National Marine Sanctuary. It requires that the Secretary of Transportation transmit to Congress provisions that enable re-

sponse to oil pollution incidents and other incidents which result in damage to the environment in the Channel Islands Sanctuary. The Secretary must also review all Federal, State, and local studies conducted on the hazards of shipping operations and submit recommendations on those studies.

Mr. Speaker, I believe that this is a most worthwhile piece of legislation. Positive action must be taken to protect our important ocean and coastal resources, and this bill is a major step in that direction. I would urge my colleagues to support it. Finally, Mr. Speaker, I would like to thank my colleagues on the Merchant Marine and Fisheries Committee, who have helped to improve this legislation, especially Mr. JONES and Mr. STUDDS, as well as Mr. YOUNG of Alaska, Mr. DAVIS of Michigan, and Mr. SHUMWAY, the ranking minority member of the Oceanography Subcommittee. Thank you, Mr. Speaker.

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Mr. SHUMWAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4210 passed the House last week by a substantial margin. Even still, I believe the bill sent back to us today from the Senate and that we are now considering is an improved version of what we passed last week. It no longer includes the provision to establish a National Oceans Policy Commission, which I believe was unwarranted because it would duplicate ongoing ocean-related programs and efforts.

Title I of this bill reauthorized the ocean pollution research programs as authorized in title II of the Marine Protection, Research and Sanctuaries Act.

These programs fund efforts by the Environmental Protection Agency and NOAA to conduct significant ocean pollution related research, and the Administration supports extension of these ocean research programs.

Title II of the bill reauthorizes the National Marine Sanctuaries Program. I support reauthorization of the Sanctuaries Program, as does the Administration; however, I share the concerns of the Administration regarding the legislative designations for certain sanctuaries. I believe these provisions circumvent the carefully crafted administrative procedure which we, the Congress, set up when we last authorized the program in 1984; however, the designations made in this bill are clearly subject to the appropriations process, and it should be clear that operation and maintenance of existing sanctuaries should not suffer any decreases in funding to meet these new legislative designations.

Given this caveat, I am willing to support this legislation to insure that

the Marine Sanctuaries Program is reauthorized.

I would like to add, Mr. Speaker, that I am particularly supportive of a provision included by my colleague, the gentleman from California [Mr. LAGOMARSINO] to further protect the Channel Islands Marine Sanctuary off the coast of California from potential oil spills. This is a very important measure, and I congratulate my friend and colleague for his efforts in this regard.

Mr. SHUMWAY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman from California for yielding this time to me. I want to thank him and the gentleman from Washington for including the provision relating to the Santa Barbara Channel Islands in this legislation. I think it is extremely important to our area that we have these measures that have been included that will protect the Channel Islands. There are some other things that we have in mind, but we can talk about that next year.

The things that have been included here will be very helpful to us, I think, and may well prevent the kind of accident we had in February when two vessels collided, one sank, and there had been a certain amount of pollution from the cargo and we barely escaped having a severe environmental hazard and damage from the fuel oil on board the ship that did sink.

As I say, the measures included here should help to prevent that in the future.

I want to again congratulate and thank the committee for being so cooperative and so helpful in this effort.

Mr. LOWRY of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California who just spoke for his statement and contribution.

I again thank the gentleman from California [Mr. SHUMWAY] for his continued work on this whole important area.

Mr. DAVIS of Michigan. Mr. Speaker, I rise in support of H.R. 4210, a bill which was passed overwhelmingly by the House last week. This bill reauthorizes the research and monitoring programs of the National Oceanic and Atmospheric Administration which protect our ocean and Great Lakes waters from additional degradation. Funding levels for this program are increased to guarantee that all coastal areas will benefit from NOAA's work.

The bill also makes needed improvements to the National Marine Sanctuary Program which has suffered from administrative neglect since its creation in 1972. New sanctuaries are designated, enforcement powers are spelled out in greater detail, and lawsuits against those who damage sanctuary resources are authorized with the money collected to be used to repair the harm. In addi-

tion, Congressman LAGOMARSINO has also authored a provision to ensure the further protection of the beautiful but threatened Channel Islands National Marine Sanctuary offshore southern California.

I urge my colleagues to again support this bill.

Miss SCHNEIDER. Mr. Speaker, I rise today in support of H.R. 4210, a bill which was passed overwhelmingly by the House last week. This reauthorization is very important, especially in light of the fact that this body has just approved a bill which bans ocean dumping. This bill reauthorizes the research and monitoring programs of the National Oceanic and Atmospheric Administration which protects our ocean and Great Lakes waters from additional degradation. Funding levels for this program are increased to guarantee that all coastal areas will benefit from NOAA's work.

I have been privileged to serve on the two committees which have jurisdiction over this reauthorization, the Merchant Marine and Fisheries Committee and the Science, Space, and Technology Committee. Through my position on these two key committees I recognize the importance of researching and monitoring the effects of ocean dumping even though this Congress is mandating an end to this harmful practice. I have worked to assure that both of these committees have given this reauthorization the proper attention and support.

The bill also makes needed improvements to the National Marine Sanctuary Program which has suffered from administrative neglect since its creation in 1972. New sanctuaries are designated, enforcement powers are spelled out in greater detail, and lawsuits against those who damage sanctuary resources are authorized with the money collected to be used to repair the harm. In addition, Congressman LAGOMARSINO has also authored a provision to ensure the further protection of the beautiful but threatened Channel Islands National Marine Sanctuary offshore southern California.

I strongly urge all of my colleagues to support this bill.

Mr. SHUMWAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LOWRY of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. Lowry] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4210.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LOWRY of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend

their remarks on the Senate amendments to H.R. 4210 just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO HAVE UNTIL 5 P.M. TOMORROW TO FILE CONFERENCE REPORT ON S. 2030, OCEAN DUMPING REFORM ACT OF 1988

Mr. LOWRY of Washington. Mr. Speaker, I ask unanimous consent that the managers may have until 5 p.m., Friday, October 14, 1988, to file a conference report on S. 2030, the Ocean Dumping Reform Act of 1988.

The SPEAKER pro tempore. (Mr. GONZALEZ). Is there objection to the request of the gentleman from Washington?

There was no objection.

NATIONAL FOREST AND PUBLIC LANDS OF NEVADA ENHANCEMENT ACT OF 1988

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 59) entitled the "National Forest and Public Lands Nevada Enhancement Act of 1988," as amended.

The Clerk read as follows:

S. 59

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forest and Public Lands of Nevada Enhancement Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the public lands transferred by this Act contain valuable natural resources (such as watershed, range, outdoor recreation and wildlife habitat) which will be enhanced by the professional, multiple-use management of the Forest Service; and that certain national forest lands would be enhanced by the professional multiple-use management of the Bureau of Land Management;

(2) the public which uses these natural resources will be benefited by such adjustments in management;

(3) the public lands transferred by this Act to the jurisdiction of the Forest Service are adjacent to existing national forests and, in many cases, are part of the same watersheds and mountain ranges, and placing the management of these lands under the administration of one agency, the Forest Service, will improve efficiency and be cost effective; that similar efficiency and cost effectiveness will result from transferring jurisdiction of certain National Forest lands to the Bureau of Land Management; and

(4) there is a consensus in Nevada that certain lands should be added to the National Forest System and that certain National Forest System lands should be transferred to the Bureau of Land Management for management.

(b) PURPOSES.—The purposes of this Act are—

(1) to transfer to the jurisdiction of the Forest Service, United States Department of Agriculture, certain public lands in Nevada currently administered by the Bureau of Land Management, United States Department of the Interior. These public lands are contiguous to the Toiyabe and Inyo National Forests and will become National Forest System lands; and

(2) to transfer to the jurisdiction of the Bureau of Land Management, United States Department of the Interior, certain lands in Nevada currently administered by the Forest Service, United States Department of Agriculture. These lands are contiguous to other public lands and will be managed as such.

SEC. 3. DEFINITIONS.

As used in this Act—

(a) the term "public lands" means the lands administered by the Bureau of Land Management, United States Department of the Interior, as defined in section 103(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(e)); and

(b) the term "National Forest lands" or "National Forest System lands" means the lands administered by the Forest Service, United States Department of Agriculture, as defined in section 11 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

SEC. 4. TRANSFER OF LANDS.

(a) TRANSFER OF PUBLIC LANDS TO THE FOREST SERVICE.—Effective one hundred and eighty days after the enactment of this Act, the approximately six hundred sixty-two thousand acres of public lands designated for inclusion in the National Forest System on three maps entitled "Nevada Interchange-A", dated January 1987, "Nevada Interchange-B", dated February 1988, and "Nevada Interchange-C", dated August 1988, are hereby withdrawn from the public domain, transferred to the jurisdiction of the Secretary of Agriculture, and shall become part of the Toiyabe National Forest or the Inyo National Forest, as appropriate.

(b) BOUNDARIES OF TOIYABE AND INYO NATIONAL FORESTS.—(1) The boundaries of the Toiyabe National Forest and the Inyo National Forest are hereby modified to reflect the transfer of lands under subsection (a).

(2) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Toiyabe National Forest and the Inyo National Forest, as modified by this subsection, shall be treated as if they were the boundaries of those National Forests as of January 1, 1965.

(c) TRANSFER OF FOREST SERVICE LANDS TO THE BUREAU OF LAND MANAGEMENT.—Effective one hundred and eighty days after the enactment of this Act, the approximately twenty-three thousand acres of National Forest lands identified for management by the Bureau of Land Management on a map entitled "Nevada Interchange-A" and dated January 1987, are hereby transferred to the Secretary of the Interior.

(d) MAPS.—The maps referred to in subsection (a) and subsection (c) shall be on file and available for public inspection in the offices of the Governor of Nevada, the Supervisors of the Toiyabe and Inyo National Forest, the Nevada State Director of the Bureau of Land Management, the Chief of the Forest Service, and the Director of the Bureau of Land Management. The secretaries of Agriculture and the Interior may make minor changes to the maps to correct technical errors.

H.R. 4088: Mr. BRYANT.

H.R. 4113: Mr. OWENS of New York, Mr. FRANK, Mr. GARCIA, Mr. McGRATH, Mrs. BOXER, Mr. ACKERMAN, Mr. FOGLIETTA, Mr. LEWIS of Georgia, Mr. FORD of Michigan, Mrs. COLLINS, Mr. SOLARZ, and Mr. DeFAZIO.

H.R. 4115: Mrs. MEYERS of Kansas.

H.R. 4121: Mr. ACKERMAN, Mr. ATKINS, Mr. BATES, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. STUDDS, Mr. LEWIS of Georgia, Ms. OAKAR, Mr. EVANS, Mr. CHAPMAN, Mr. FOGLIETTA, and Mr. DELLUMS.

H.R. 4127: Mr. BEVILL, Mr. FASCELL, Mr. LEWIS of Georgia, Mr. LAGOMARSINO, Mr. RAHALL, Mr. DE LUGO, Mr. RICHARDSON, Mr. KOSTMAYER, Mr. GEJDENSON, Mr. KASTENMEIER, Mr. DERRICK, Mr. MRAZEK, Mr. DeFAZIO, Mr. HUCKABY, Mr. PICKETT, Mr. JONTZ, Mr. LOWRY of Washington, Mr. TRAFICANT, Mr. MOAKLEY, Mr. HARRIS, Mrs. COLLINS, Mr. GREGG, Mr. FUSTER, Mr. MATSUI, Mr. SMITH of Florida, Mr. SWIFT, Mr. BOUCHER, Mr. HORTON, Mr. SOLARZ, Mr. MANTON, Mr. WALGREN, Mr. MOODY, Mr. DARDEN, and Mr. HUGHES.

H.R. 4139: Mr. DELLUMS, Mr. HUGHES, Mr. STARK, Mr. ATKINS, Mr. SMITH of Florida, Mr. NEAL, Mr. HOCHBERUECKNER, Mr. JONTZ, Mr. GARCIA, Mr. KILDEE, Mr. GLICKMAN, Mr. FOGLIETTA, Mr. EDWARDS of California, and Mr. GREEN.

H.R. 4140: Mr. DELLUMS, Mr. HUGHES, Mr. STARK, Mr. ATKINS, Mr. SMITH of Florida, Mr. NEAL, Mr. HOCHBERUECKNER, Mr. JONTZ, Mr. GARCIA, Mr. KILDEE, Mr. GLICKMAN, and Mr. FOGLIETTA.

H.R. 4149: Mr. CHANDLER and Mr. INHOFE.

H.R. 4150: Mr. DOWNEY of New York, Mr. LEACH of Iowa, Mr. STOKES, Mr. WELDON, Mr. GRANT, Mr. ST GERMAIN, Mr. VOLKMER, Mr. SAXTON, Mr. JOHNSON of South Dakota, Mrs. PATTERSON, Mr. AKAKA, Mr. WALGREN, Mr. BUSTAMANTE, Mr. CONYERS, Mr. OWENS of New York, Mr. HOCHBERUECKNER, Mr. NATCHER, Mr. MURPHY, Mr. PEASE, Mr. RAHALL, Mr. CLINGER, Mr. WISE, Mr. APPLIGATE, Mr. MORRISON of Washington, Mr. RINALDO, Mr. NAGLE, Mr. NEAL, Mr. STALLINGS, Mr. OLIN, Mr. MCCOLLUM, Mr. GRAY of Illinois, Mr. TOWNS, Mr. NOWAK, Mr. RANGEL, Mr. SMITH of New Jersey, Mrs. KENNELLY, Mr. JONTZ, Mr. ROBINSON, Mr. FEIGHAN, and Mr. ATKINS.

H.R. 4158: Mr. NIELSON of Utah, Mr. SKAGGS, Mr. FOGLIETTA, Mr. WORTLEY, Mr. HENRY, Mr. NEAL, Mrs. BOXER, and Mr. FASCELL.

H.R. 4173: Mr. MOODY, Mr. MORRISON of Connecticut, Ms. SLAUGHTER of New York, Mr. JACOBS, Mr. APPLIGATE, Mr. BRYANT, and Mr. GARCIA.

H.R. 4203: Mr. SOLOMON, Mr. INHOFE, Mr. NIELSON of Utah, and Mr. BURTON of Indiana.

H.R. 4208: Miss SCHNEIDER and Mr. DAVIS of Michigan.

H.R. 4209: Miss SCHNEIDER.

H.R. 4210: Miss SCHNEIDER.

H.R. 4211: Miss SCHNEIDER.

H.R. 4212: Mr. HUGHES.

H.R. 4213: Mr. HUTTO and Mr. LOTT.

H.R. 4218: Mr. AKAKA, Mr. MAZZOLI, and Mr. LEWIS of Georgia.

H.R. 4257: Mr. LOTT, Mr. WELDON, Mrs. LLOYD, Mr. CRAIG, Mr. WYDEN, Mr. MADIGAN, Mr. ARMEY, Mr. GILMAN, Mr. FRENZEL, Mrs. MEYERS of Kansas, Mr. SKEEN, Mr. TALLON, Mr. JENKINS, Mr. DARDEN, Mr. MAZZOLI, Mr. DIOGUARDI, Mr. SLATTERY, Mr. KILDEE, Mr. ECKART, Mr. CAMPBELL, and Mr. VALENTINE.

H.R. 4260: Mr. MARTIN of New York, Mrs. COLLINS, Mr. MANTON, Mr. FAWELL, Mr. WORTLEY, Mr. FRANK, and Mr. WELDON.

H.R. 4268: Mr. MAZZOLI and Mrs. MORELLA.

H.R. 4277: Mr. TORRICELLI, Mrs. BOXER, Mr. WAXMAN, Mr. BOEHLERT, Mr. MATSUI, Mr. McCLOSKEY, Mr. DeFAZIO, Mr. AKAKA, Mr. MICA, Mr. GALLEGLY, Mr. EDWARDS of California, Ms. PELOSI, and Mr. GLICKMAN.

H.R. 4279: Mrs. MARTIN of Illinois and Mr. FUSTER.

H.R. 4289: Mr. DYSON, Mr. DONALD E. LUKENS, Mr. WORTLEY, and Mr. CHAPMAN.

H.R. 4334: Mr. SCHUETTE, Mr. CHAPMAN, and Mr. JONTZ.

H.J. Res. 55: Mr. JONES of Tennessee, Mr. HUCKABY, and Mr. BEREUTER.

H.J. Res. 148: Mr. ALEXANDER, Mr. AU COIN, Mr. BOEHLERT, Mr. BORSKI, Mr. CHANDLER, Mr. CLAY, Mr. DORGAN of North Dakota, Mr. FAUNTROY, Mr. FORD of Michigan, Mr. HAMILTON, Mr. JONES of North Carolina, Mrs. LLOYD, Mr. LOWRY of Washington, Mr. MOAKLEY, Mr. PRICE of North Carolina, Mr. ROBERTS, Mr. RODINO, Mrs. SAIKI, Mr. SYNAR, and Mr. WYDEN.

H.J. Res. 261: Mr. CONTE.

H.J. Res. 358: Mr. RUSSO, Mr. JONTZ, and Mr. GARCIA.

H.J. Res. 378: Mr. WATKINS, Mr. MURTHA, Mrs. MEYERS of Kansas, Mr. STUDDS, Mr. STENHOLM, Mr. CONTE, Mr. RUSSO, Mr. MRAZEK, Mr. McGRATH, Mr. KILDEE, Mr. BATES, Mr. ROBERTS, Mr. ROWLAND of Connecticut, Mr. STAGGERS, Mr. DWYER of New Jersey, Mr. MORRISON of Washington, Mr. TAUKE, Mr. JONTZ, Mr. BURTON of Indiana, Mr. GALLO, Mr. SCHUETTE, Mrs. BYRON, Mr. THOMAS of California, Mr. PORTER, Mr. STANGELAND, and Mr. VANDER JAGT.

H.J. Res. 398: Mr. ASPIN, Mr. GARCIA, Mr. HAMILTON, Mr. KOSTMAYER, Mr. PRICE of North Carolina, Mr. HOYER, Mr. STRATTON, Mr. ROBERTS, Mr. LaFALCE, Mr. BOEHLERT, Mr. VALENTINE, and Mr. CARDIN.

H.J. Res. 420: Mr. SKAGGS, Mr. GINGRICH, Mr. MILLER of Washington, Mr. VALENTINE, Ms. SLAUGHTER of New York, Mr. RUSSO, Mr. FIELDS, and Mr. PURSELL.

H.J. Res. 421: Mr. AKAKA, Mr. ANDERSON, Mr. ARCHER, Mr. BARTLETT, Mr. BOSCO, Mr. BOULTER, Mr. BROWN of Colorado, Mr. BUECHNER, Mr. BUNNING, Mr. CAMPBELL, Mr. CARPER, Mr. CHANDLER, Mr. CLAY, Mr. CLEMENT, Mr. CONTE, Mr. CONYERS, Mr. COUGHLIN, Mr. COURTER, Mr. DE LA GARZA, Mr. DORGAN of North Dakota, Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. ESPY, Mr. FAZIO, Mr. FEIGHAN, Mr. FRANK, Mr. FRENZEL, Mr. GARCIA, Mr. GEKAS, Mr. GEPHARDT, Mr. GINGRICH, Mr. GRADISON, Mr. GRAY of Illinois, Mr. GRAY of Pennsylvania, Mr. GREEN, Mr. GUARINI, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HUTTO, Mr. IRELAND, Mr. JONES of Tennessee, Mr. KEMP, Mrs. KENNELLY, Mr. KILDEE, Mr. LELAND, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mrs. LLOYD, Mr. LOWRY of Washington, Mr. LUJAN, Mr. McCLOSKEY, Mr. McDADE, Mrs. MEYERS of Kansas, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MURPHY, Mr. NELSON of Florida, Mr. NICHOLS, Mr. NOWAK, Mr. ORTIZ, Mr. PICKLE, Mr. PORTER, Mr. PRICE of North Carolina, Mr. PURSELL, Mr. RANGEL, Mr. RAY, Mr. RHODES, Mr. RINALDO, Mr. ROBERTS, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROWLAND of Georgia, Mr. ROYBAL, Mr. SABO, Mr. SCHAEFER, Mr. SHAYS, Ms. SLAUGHTER of New York, Ms. SNOWE, Mr. SOLARZ, Mr. SOLOMON, Mr. SPENCE, Mr. SPRATT, Mr. STAGGERS, Mr. STOKES, Mr. SUNIA, Mr. TAUKE, Mr. TORRICELLI, Mr. TOWNS, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WALGREN, Mr. WHEAT, Mr. WILSON, Mr. WYLLIE, Mr. YATES, Mr. YATRON, Mr. AU COIN, Mr. HERTEL, and Mr. BONIOR of Michigan.

H.J. Res. 422: Mr. APPLIGATE, Mr. ATKINS, Mr. BEVILL, Mr. BLAZ, Mr. BOUCHER, Mr. COURTER, Mr. DIOGUARDI, Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. ENGLISH, Mr. ESPY, Mr. EVANS, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. GRANDY, Mr. GRANT, Mr. GRAY of Pennsylvania, Mr. GUNDERSON, Mr. HAMMER-SCHMIDT, Mr. HASTERT, Mr. HOPKINS, Mr. HYDE, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY, Mr. KOLTER, Mr. LEHMAN of Florida, Mr. LELAND, Mr. MACK, Mrs. MARTIN of Illinois, Mrs. MEYERS of Kansas, Mr. MICA, Mr. MOAKLEY, Ms. OAKAR, Mr. OBERSTAR, Mr. PICKETT, Mr. PURSELL, Mr. RANGEL, Mr. RAVENEL, Mr. RINALDO, Mr. ROYBAL, Mr. SABO, Mr. SAVAGE, Mr. SCHUMER, Ms. SNOWE, Mr. SOLARZ, Mr. STAGGERS, Mr. TRAXLER, Mr. UDALL, Mr. YATES, Mr. YATRON, and Mr. LEHMAN of California.

H.J. Res. 429: Mr. MOLLONAN and Mr. DINGELL.

H.J. Res. 453: Mr. MINETA, Mr. HOLLOWAY, Mr. TORRICELLI, Mr. SCHAEFER, Mr. BADHAM, Mr. FISH, Mr. KONNYU, Mr. DIOGUARDI, Mr. MILLER of Washington, Mr. STRATTON, Mr. APPLIGATE, Mr. KANJORSKI, Mr. LOWERY of California, Mr. HASTERT, Ms. SLAUGHTER of New York, Mr. COLEMAN of Texas, and Mr. BARNARD.

H.J. Res. 474: Mr. EARLY, Mr. VENTO, Mr. GREEN, Mr. ECKART, Mr. GILMAN, Mr. VANDER JAGT, Mr. SLAUGHTER of Virginia, Mr. COUGHLIN, Mr. DIOGUARDI, Mr. TRAXLER, Mr. PEPPER, Mr. TAUKE, Mr. CARDIN, and Mr. HUGHES.

H.J. Res. 476: Mr. RAHALL, Mrs. JOHNSON of Connecticut, Mr. SOLOMON, Mr. HAYES of Louisiana, Mr. LUNGREN, Mr. HOYER, Mr. JONTZ, Mr. WORTLEY, Mr. GARCIA, Mr. RAVENEL, Mr. SPENCE, Mr. MOAKLEY, and Mr. FASCELL.

H.J. Res. 481: Mr. MILLER of California, Mr. COELHO, Mr. MICHEL, Mrs. LLOYD, Mr. HAMMERSCHMIDT, Mrs. BENTLEY, Mr. BEVILL, Mr. BIAGGI, Mr. BOSCO, Mr. BURTON of Indiana, Mr. CARPER, Mr. COATS, Mr. CONTE, Mr. CONYERS, Mr. CHENEY, Mr. DORNAN of California, Mr. DYMALLY, Mr. ESPY, Mr. FAWELL, Mr. FIELDS, Mr. GRAY of Pennsylvania, Mr. HALL of Ohio, Mr. HANSEN, Mr. HAYES of Illinois, Mr. HENRY, Mr. KANJORSKI, Mr. LAGOMARSINO, Mr. LELAND, Mr. LaFALCE, Mr. LUNGREN, Mr. MATSUI, Mr. MICA, Mrs. MEYERS of Kansas, Mr. McEWEN, Mr. MURPHY, Mr. NATCHER, Mr. OBEY, Ms. OAKAR, Mr. PEPPER, Mr. RICHARDSON, Mr. RODINO, Mr. ROWLAND of Connecticut, Mr. SABO, Mr. SAWYER, Mr. SOLARZ, Mr. WEISS, Mr. WILSON, Mr. WOLPE, Mr. YATES, Mr. YATRON, and Mr. YOUNG of Florida.

H.J. Res. 488: Mr. DE LA GARZA, Mrs. BENTLEY, Mr. GARCIA, Mr. SHAW, Mr. EVANS, Mr. DORNAN of California, Mr. MONTGOMERY, Mr. ACKERMAN, Mr. SCHUETTE, Mrs. MEYERS of Kansas, Mr. GALLEGLY, Mr. PEPPER, Mr. HOLLOWAY, Mr. HATCHER, Mr. OWENS of Utah, Mr. STRATTON, Mr. APPLIGATE, Mr. LIVINGSTON, Mr. LANCASTER, Mr. SOLOMON, Mr. LUNGREN, and Mr. HUGHES.

H.J. Res. 491: Mr. DIOGUARDI, Ms. PELOSI, Mr. OWENS of New York, Mr. ECKART, and Mr. TORRICELLI.

H.J. Res. 492: Mr. DIOGUARDI, Ms. PELOSI, Mr. OWENS of New York, Mr. ECKART, and Mr. TORRICELLI.

H.J. Res. 493: Mr. DIOGUARDI, Ms. PELOSI, Mr. OWENS of New York, Mr. ECKART, and Mr. TORRICELLI.

H.J. Res. 494: Mr. DIOGUARDI, Ms. PELOSI, Mr. OWENS of New York, Mr. ECKART, and Mr. TORRICELLI.

H.J. Res. 495: Mr. DIOGUARDI, Ms. PELOSI, Mr. OWENS of New York, Mr. ECKART, and Mr. TORRICELLI.

Senate versions of the Interior appropriations bill. Other pressing conservation initiatives, combined with a slight increase in revenues to the Commission, forced the committee to defer action on the remaining unappropriated amount. I am hopeful that next year, with this reauthorization, we are able to provide the remaining amount.

And as the committee knows, every dollar counts. Each year the Commission is presented with more requests for funding than we can handle.

At the same time wetlands continue to vanish at an alarming rate. We lose approximately 450,000 acres of wetlands each year in this country. Moreover, the recent drought has taken a devastating toll on migratory bird populations throughout the United States and Canada.

Waterfowl production is at a crisis stage. Because of the ever present threat of over development and the drought, production levels for waterfowl are at record lows.

In 1987, for example, breeding populations of 6 of the 10 major duck species were significantly below their respective average population sizes for the period between 1955 and 1986.

The recent drought emergency across the Plains States has also sidetracked an important preservation program. Lands set aside in the conservation reserve are being opened to help the farmers of that region. Vital nesting habitat is being destroyed, and the long range effects could be devastating.

These problems make our Federal land acquisition and preservation efforts even more important. The funds authorized in this bill will enhance the Commission's efforts to stabilize the downward population trend for migratory waterfowl and help preserve thousands of acres of vital habitat.

Madam Speaker, H.R. 4030 is a good bill, and I urge my colleagues to support it.

Mr. THOMAS of Georgia. Madam Speaker, I am proud to offer my strong support of H.R. 4030, a bill to strengthen Fish and Wildlife laws.

I would like to commend Chairman WALTER JONES and Subcommittee Chairman GERRY STUDDS for their leadership on this issue. It is a strong bill that makes a number of vital changes in our fisheries management.

I am particularly supportive of section 404 of the bill, renaming the Millen National Fish Hatchery and Aquarium in Millen, GA, in recognition of former U.S. Representative Bo Ginn.

I previously introduced legislation to this effect in the past with the support of all Democratic and Republican Members of the Georgia delegation. However, the bill was left pending as we awaited an appropriate legislative vehicle.

Many of my colleagues will recall that Mr. Ginn served with distinction as a Member of Congress from 1973 until 1982 when he retired from Congress to run for the office of Governor of Georgia, a race he lost by a narrow margin in the Democratic primary. Mr. Ginn was as respected by his colleagues on both sides of the aisle as he was by his constituents in the First District of Georgia.

Mr. Ginn served on the House Committee on Merchant Marine and Fisheries from 1973

until 1979, when he moved to the Appropriations Committee. He earned national recognition for his work to preserve the natural beauty of wilderness lands and was particularly interested in and supportive of the hatchery programs of the U.S. Fish and Wildlife Service.

He authored the legislation which secured wilderness designation for the Okefenokee National Wildlife Refuge, the Blackbeard Island and Wolf Island National Wildlife Refuges, and the Cumberland Island National Seashore. He also played the key role in securing funding for the Amicalola River Corridor in north Georgia. Also, he was a coauthor and conferee on key amendments to the Federal Water Pollution Control Act, and he led a series of investigations on toxic waste pollution in his capacity as the chairman of the subcommittee on investigations of the Committee on Public Works and Transportation. His accomplishments for the environment continued when he became a member of the Committee on Appropriations.

The hatchery that would be designated in his honor is located 5 miles north of Mr. Ginn's hometown of Millen, GA, on Georgia Highway 25, adjacent to the Magnolia Springs State Park. The hatchery was authorized by Congress in 1948 and fish production there began in 1952.

The hatchery continues to be an important facility for the production of several warm water species such as the channel catfish, sunfish, the endangered sturgeon, as well as the striped bass destined for return to the Chesapeake Bay.

The popular Federal aquarium on the hatchery site is visited annually by more than 80,000 persons.

This is a worthy tribute to a great public servant. I urge every Member of the House to vote for the passage of H.R. 4030.

Mr. YOUNG of Alaska. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. SCHROEDER). The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 4030, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read "A bill to reauthorize and amend certain wildlife laws, and for other purposes."

A motion to reconsider was laid on the table.

NATIONAL MARINE SANCTUARIES PROGRAM AUTHORIZATION ACT OF 1988

Mr. JONES of North Carolina. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4208)

to authorize appropriations to carry out title III of the Marine Protection, Research, and Sanctuaries Act of 1972 during fiscal years 1989, 1990, 1991, and 1992, as amended.

The Clerk read as follows:

H.R. 4208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Marine Sanctuaries Program Authorization Act of 1988".

TITLE I—NATIONAL MARINE SANCTUARIES PROGRAM AUTHORIZATION AND AMENDMENTS

SEC. 101. DEFINITION OF ACT.

For purposes of this title, the term "Act" means title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431-1439).

SEC. 102. SANCTUARY DESIGNATION PROCEDURE AMENDMENTS.

(a) NOTICE OF DESIGNATION.—Section 304(b)(1) of the Act (16 U.S.C. 1434(b)(1)) is amended to read as follows:

"(1) NOTICE OF DESIGNATION.—(A) Subject to subparagraph (B), not later than 120 days after the last day of the period specified in subsection (a)(6), the Secretary shall—

"(i) publish in the Federal Register—

"(I) notice of the designation of a national marine sanctuary, with final regulations to implement the designation, and any other matters required by law; and

"(II) notice of the availability to the public of the final management plan and final environmental impact statement relating to such sanctuary; and

"(ii) submit such notice of designation to the Congress;

unless the Secretary determines, based upon the Congressional report described in subsection (a)(6), comments upon the draft environmental impact statement, or other relevant information, not to proceed with the designation.

"(B) The Secretary may publish and submit a notice of designation in accordance with subparagraph (A) not later than 150 days after the last day of the period specified in subsection (a)(6) if—

"(i) the Secretary determines that additional time is required for analysis of and response to public comments relating to such designation; and

"(ii) the Secretary notifies the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(C) A determination of the Secretary not to proceed with the designation of a national marine sanctuary—

"(i) shall be made in writing, setting forth in detail the basis for the Secretary's decision; and

"(ii) shall be submitted to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate.

"(D) The Secretary shall issue a notice of designation with respect to a proposed national marine sanctuary site not later than 30 months after the date a notice declaring the site to be an active candidate for sanctuary designation is published in the Federal Register under regulations issued under this

Act, or shall publish not later than such date in the Federal Register findings regarding why such notice has not been published."

(b) **TAKING EFFECT OF DESIGNATION.**—Section 304(b) of the Act (16 U.S.C. 1434(b)) is amended by adding at the end the following:

"(5) **TAKING EFFECT OF DESIGNATION.**—The designation of a national marine sanctuary (including terms of the designation which are not disapproved under this subsection) and regulations implementing such designation shall take effect after a period of 45 days of continuous session of Congress beginning on the day on which such notice is published pursuant to paragraph (1), unless—

"(A) the designation or any of its terms is disapproved by enactment of a joint resolution of disapproval described in paragraph (3); or

"(B) in the case of a national marine sanctuary that is located partially or entirely within the seaward boundary of any State, the Governor of the State certifies to the Secretary that the designation or any of its terms is unacceptable, in which case the designation or the unacceptable terms, as applicable, shall not take effect in the area of the sanctuary lying within the seaward boundary of the State."

(c) **CONFORMING AMENDMENT.**—Section 304(b)(2) of the Act is amended—

(1) by striking "paragraph (1)(A) or (B)" and inserting "paragraph (5)(A) or (B)";

(2) by striking "paragraph (1)(A)" the second place it appears and inserting "paragraph 5(A)"; and

(3) by striking "paragraph (1)(B)" and inserting "paragraph (5)(B)".

SEC. 103. PROMOTION AND COORDINATION OF RESEARCH; SPECIAL USE PERMITS; USE OF DONATIONS.

The Act is amended—

(1) by striking section 308;

(2) by redesignating section 309 as section 308; and

(3) by adding at the end the following:

"SEC. 308. PROMOTION AND COORDINATION OF RESEARCH.

"The Secretary shall take such action as is necessary to promote and coordinate the use of national marine sanctuaries for research purposes, including—

"(1) requiring that the National Oceanic and Atmospheric Administration, in conducting or supporting marine research, give priority to research involving national marine sanctuaries; and

"(2) consulting with other Federal and State agencies to promote use by such agencies of one or more sanctuaries for marine research.

"SEC. 310. SPECIAL USE PERMITS.

"(a) **ISSUANCE OF PERMITS.**—The Secretary may issue special use permits which authorize the conduct of specific activities in a national marine sanctuary if the Secretary determines such authorization is necessary—

"(1) to establish conditions of access to and use of any sanctuary resource; or

"(2) to promote public use and understanding of a sanctuary resource.

"(b) **PERMIT TERMS.**—A permit issued under this section—

"(1) shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources;

"(2) shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretary;

"(3) shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and

"(4) shall require the permittee to purchase and maintain comprehensive general liability insurance against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims.

"(c) **FEES.**—

"(1) **ASSESSMENT AND COLLECTION.**—The Secretary may assess and collect fees for the conduct of any activity under a permit issued under this section.

"(2) **AMOUNT.**—The amount of a fee under this subsection shall be equal to the sum of—

"(A) costs incurred by the Secretary in issuing the permit;

"(B) costs incurred by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity; and

"(C) an amount which represents the fair market value of the use of the sanctuary resource and a reasonable return to the United States Government.

"(3) **USE OF FEES.**—Amounts collected by the Secretary in the form of fees under this section may be used by the Secretary—

"(A) for issuing and administering permits under this section; and

"(B) for expenses of designating and managing national marine sanctuaries.

"(d) **VIOLATIONS.**—Upon violation of a term or condition of a permit issued under this section, the Secretary may—

"(1) suspend or revoke the permit without compensation to the permittee and without liability to the United States;

"(2) assess a civil penalty in accordance with section 307; or

"(3) both.

"(e) **REPORTS.**—Each person issued a permit under this section shall submit an annual report to the Secretary not later than December 31 of each year which describes activities conducted under that permit and revenues derived from such activities during the year.

"(f) **FISHING.**—Nothing in this section shall be considered to require a person to obtain a permit under this section for the conduct of any fishing activities in a national marine sanctuary.

"(g) **REPORT.**—The Secretary of Commerce shall submit an annual report to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate which describes activities of the Secretary in implementing this section. The Secretary shall submit the first report under this subsection not later than 12 months after the date of the enactment of this section.

"SEC. 311. COOPERATIVE AGREEMENTS AND DONATIONS.

"(a) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with any nonprofit organization—

"(1) to aid and promote interpretive, historical, scientific, and educational activities; and

"(2) for the solicitation of private donations for the support of such activities.

"(b) **DONATIONS.**—The Secretary may accept donations of funds, property, and services for use in designating and administering national marine sanctuaries under this title."

SEC. 104. DESTRUCTION OR LOSS OF, OR INJURY TO, SANCTUARY RESOURCES.

(a) **LIABILITY FOR DESTRUCTION OR LOSS OF, OR INJURY TO, SANCTUARY RESOURCES.**—The Act is amended by adding at the end the following:

"SEC. 312. DESTRUCTION OR LOSS OF, OR INJURY TO, SANCTUARY RESOURCES.

"(A) **LIABILITY.**—

"(1) **IN GENERAL.**—Subject to paragraph (3), any person who destroys, causes the loss of, or injures any sanctuary resource is liable to the United States for response costs and damages resulting from such destruction, loss, or injury.

"(2) **LIABILITY IN REM.**—Any vessel used to destroy, cause the loss of, or injure any sanctuary resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury.

"(3) **DEFENSES.**—A person is not liable under this subsection if—

"(A) that person can establish that the destruction or loss of, or injury to, the sanctuary resource was caused solely by an act of God, an act of war, or an act or omission of a third party, and that the person acted with due care;

"(B) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or

"(C) the destruction, loss, or injury was of a de minimus nature.

"(b) **RESPONSE ACTIONS AND DAMAGE ASSESSMENT.**—

"(1) **RESPONSE ACTIONS.**—The Secretary may undertake all necessary actions to prevent or minimize the destruction or loss of, or injury to, sanctuary resources, or to minimize the imminent risk of such destruction, loss, or injury.

"(2) **DAMAGE ASSESSMENT.**—The Secretary shall assess damages to sanctuary resources in accordance with section 302(6).

"(c) **CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.**—The Attorney General, upon requests of the Secretary, may commence a civil action in the United States district court for the appropriate district against any person or vessel who may be liable under subsection (a) for response costs and damages. The Secretary, acting as trustee for sanctuary resources on behalf of the United States, shall submit a request for such an action to the Attorney General whenever a person may be liable for such costs or damages.

"(d) **USE OF RECOVERED AMOUNTS.**—Response costs and damages recovered by the Secretary under this section and civil penalties under section 307 shall be retained by the Secretary in the manner provided for in section 107(f)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9607(f)(1)), and used as follows:

"(1) **RESPONSE COSTS AND DAMAGE ASSESSMENTS.**—Twenty percent of amounts recovered under this section, up to a maximum balance of \$750,000, shall be used to finance response actions and damage assessments by the Secretary.

"(2) **RESTORATION, REPLACEMENT, MANAGEMENT, AND IMPROVEMENT.**—Amounts remaining after the operation of paragraph (1) shall be used, in order of priority—

"(A) to restore, replace, or acquire the equivalent of the sanctuary resources which were the subject of the action;

"(B) to manage and improve the national marine sanctuary within which are located the sanctuary resources which were the subjects of the action; and

"(C) to manage and improve any other national marine sanctuary.

"(3) **USE OF CIVIL PENALTIES.**—Amounts recovered under section 307 in the form of civil penalties shall be used by the Secretary in accordance with section 307(e) and paragraphs (2) (B) and (C) of this subsection.

"(4) **FEDERAL-STATE COORDINATION.**—Amounts recovered under this section with respect to sanctuary resources lying within the jurisdiction of a State shall be used under paragraphs (2) (A) and (B) in accordance with an agreement entered into by the Secretary and the Governor of that State."

(b) **DAMAGES, RESPONSE COSTS, AND SANCTUARY RESOURCE DEFINED.**—Section 302 of the Act (16 U.S.C. 1432) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period in paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) 'damages' includes—

"(A) compensation for—

"(I) the cost of replacing, restoring, or acquiring the equivalent of a sanctuary resource; and

"(II) the value of the lost use of a sanctuary resource pending its restoration or replacement or the acquisition of an equivalent sanctuary resource; or

"(II) the value of a sanctuary resource if the sanctuary resource cannot be restored or replaced or if the equivalent of such resource cannot be acquired; and

"(B) the cost of damage assessments under section 312(b)(2);

"(7) 'response costs' means the costs of actions taken by the Secretary to minimize destruction or loss of, or injury to, sanctuary resources, or to minimize the imminent risks of such destruction, loss, or injury; and

"(8) 'sanctuary resource' means any living or nonliving resource of a national marine sanctuary that contributes to the conservation, recreational, ecological, historical, research, educational, or aesthetic value of the sanctuary."

(c) **EFFECTIVE DATE.**—Amounts in the form of damages received by the United States after November 30, 1986, for destruction or loss of, or injury to, a sanctuary resource (as that term is defined in section 302(8) of the Act (as amended by this Act)) shall be subject to section 312 of the Act (as amended by this Act).

SEC. 105. ACTIONS WITH RESPECT TO NEW SANCTUARIES.

(a) **ISSUANCE OF NOTICE OF DESIGNATION.**—The Secretary of Commerce shall issue a notice of designation under section 304(b)(1) of the Act (16 U.S.C. 1434(b)(1))—

(1) with respect to the proposed Cordell Banks National Marine Sanctuary as generally described in the Federal Register notice of June 30, 1983, not later than December 31, 1988;

(2) with respect to the Flower Garden Banks National Marine Sanctuary as generally described in the Federal Register notice of August 2, 1984, not later than March 31, 1989;

(3) with respect to the Monterey Bay National Marine Sanctuary as generally described in the Federal Register notice of December 31, 1979, not later than December 31, 1989; and

(4) with respect to the Western Washington Outer Coast National Marine Sanctuary as generally described in the Federal Register notice of August 4, 1983, not later than June 30, 1990.

(b) **SUBMISSION OF PROSPECTUSES.**—The Secretary of Commerce shall submit a pro-

spectus under section 304(a)(1)(C) of the Act (16 U.S.C. 1434(a)(1)(C)) to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate with respect to the Northern Puget Sound National Marine Sanctuary, as generally described as the Washington State Nearshore area in the Federal Register notice of August 4, 1983, not later than March 31, 1991.

SEC. 106. STUDY OF AREAS FOR DESIGNATION AS OR INCLUSION IN NATIONAL MARINE SANCTUARIES.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a study of the areas described in subsection (c) for purposes of making determinations and findings in accordance with section 303(a) of the Act (16 U.S.C. 1433(a))—

(A) regarding whether or not all or any part of such areas are appropriate for designation as national marine sanctuaries in accordance with title III of the Act; and

(B) regarding whether or not all or any part of the areas described in subsection (c)(1), (2), and (3) should be added to and administered as part of the Key Largo National Marine Sanctuary or the Looe Key National Marine Sanctuary.

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report to the Congress which sets forth the determinations and findings referred to in paragraph (1).

(b) **DESIGNATION OR EXPANSION OF MARINE SANCTUARIES.**—If as a result of a study conducted pursuant to subsection (a) the Secretary makes the determinations and findings set forth in section 303(a) of the Act (16 U.S.C. 1433(a)) with respect to all or any part of the areas described in subsection (c), the Secretary, in accordance with the procedures for the designation of national marine sanctuaries set forth in section 304 of the Act (16 U.S.C. 1434)—

(1) shall designate such areas or parts of such areas as national marine sanctuaries; or

(2) shall, with respect to all or part of the areas described in subsections (c) (1), (2), and (3), add such areas or parts of such areas to the Key Largo National Marine Sanctuary or the Looe Key National Marine Sanctuary;

as the Secretary considers appropriate.

(c) **AREAS DESCRIBED.**—The areas referred to in subsections (a) and (b) are the following:

(1) **AMERICAN SHOAL.**—The portion of the marine environment in the Florida Keys in the vicinity of American Shoal, including the part of such environment located generally between such shoal and the Marquesas Keys.

(2) **SOMBRERO KEY.**—The portion of the marine environment in the Florida Keys in the vicinity of and surrounding Sombrero Key.

(3) **ALLIGATOR REEF.**—The portion of the marine environment in the Florida Keys in the vicinity of and surrounding Alligator Reef, including the portion located generally between such reef and the Key Largo National Marine Sanctuary.

(4) **SANTA MONICA BAY.**—The portion of the marine environment off the coast of California commonly referred to as Santa Monica Bay, consisting of an area described generally as follows: Beginning at the point known as Point Dume near the western extent of Santa Monica Bay, proceed generally southeast along the shoreline to the point known as Point Vincente near the southern extent

of Santa Monica Bay; then west to the 900 meter bathymetric contour; then generally northwest along the 900 meter bathymetric contour to a point due west of Point Dume; then east to Point Dume at the point of beginning.

(d) **DEFINITIONS.**—For the purposes of this section—

(1) **MARINE ENVIRONMENT.**—The term "marine environment" has the meaning such term has in section 302(3) of the Act (16 U.S.C. 1432(b)).

(2) **SECRETARY.**—The term "Secretary" means the Secretary of Commerce.

SEC. 107. ENFORCEMENT AMENDMENTS.

Section 307 of the Act (16 U.S.C. 1437) is amended to read as follows:

"SEC. 307. ENFORCEMENT.

"(a) **IN GENERAL.**—The Secretary shall conduct such enforcement activities as are necessary and reasonable to carry out this title.

"(b) **POWERS OF AUTHORIZED OFFICERS.**—Any person who is authorized to enforce this title may—

"(1) board, search, inspect, and seize any vessel suspected of being used to violate this title or any regulation or permit issued under this title and any equipment, stores, and cargo of such vessel;

"(2) seize wherever found any sanctuary resource taken or retained in violation of this title or any regulation or permit issued under this title;

"(3) seize any evidence of a violation of this title or of any regulation or permit issued under this title;

"(4) execute any warrant or other process issued by any court of competent jurisdiction; and

"(5) exercise any other lawful authority.

"(c) **CIVIL PENALTIES.**—

"(1) **CIVIL PENALTY.**—Any person subject to the jurisdiction of the United States who violates this title or any regulation or permit issued under this title shall be liable to the United States for a civil penalty of not more than \$50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(2) **NOTICE.**—No penalty shall be assessed under this subsection until after the person charged has been given notice and an opportunity for a hearing.

"(3) **IN REM JURISDICTION.**—A vessel used in violating this title or any regulation or permit issued under this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction.

"(4) **REVIEW OF CIVIL PENALTY.**—Any person against whom a civil penalty is assessed under this subsection may obtain review in the United States district court for the appropriate district by filing a complaint in such court not later than 30 days after the date of such order.

"(5) **COLLECTION OF PENALTIES.**—If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

"(6) COMPROMISE OR OTHER ACTION BY SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is or may be imposed under this section.

"(d) FORFEITURE.—

"(1) IN GENERAL.—Any vessel (including the vessel's equipment, stores, and cargo) and other item used, and any sanctuary resource taken or retained, in any manner, in connection with or as a result of any violation of this title or of any regulation or permit issued under this title shall be subject to forfeiture to the United States pursuant to a civil proceeding under this subsection.

"(2) APPLICATION OF THE CUSTOMS LAWS.—The Secretary may exercise the authority of any United States official granted by any relevant customs law relating to the seizure, forfeiture, condemnation, disposition, remission, and mitigation of property in enforcing this title.

"(3) DISPOSAL OF SANCTUARY RESOURCES.—Any sanctuary resource seized pursuant to this title may be disposed of pursuant to an order of the appropriate court, or, if perishable, in a manner prescribed by regulations promulgated by the Secretary. Any proceeds from the sale of such sanctuary resource shall for all purposes represent the sanctuary resource so disposed of in any subsequent legal proceedings.

"(4) PRESUMPTION.—For the purposes of this section there is a rebuttable presumption that all sanctuary resources found on board a vessel that is used or seized in connection with a violation of this title or of any regulation or permit issued under this title were taken or retained in violation of this title or of a regulation or permit issued under this title.

"(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—

"(1) IN GENERAL.—Notwithstanding any other law, the Secretary may use amounts received under this section in the form of civil penalties, forfeitures of property, and costs imposed under paragraph (2) to pay—

"(A) the reasonable and necessary costs incurred by the Secretary in providing temporary storage, care, and maintenance of any sanctuary resource or other property seized under this section pending disposition of any civil proceeding relating to any alleged violation with respect to which such property or sanctuary resource was seized; and

"(B) a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or of any regulation or permit issued under this title.

"(2) LIABILITY FOR COSTS.—Any person assessed a civil penalty for a violation of this title or of any regulation or permit issued under this title, and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any sanctuary resource or other property seized in connection with the violation.

"(f) SUBPOENAS.—In the case of any hearing under this section which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths.

"(g) USE OF RESOURCES OF STATE AND OTHER FEDERAL AGENCIES.—The Secretary

shall, whenever appropriate, use by agreement the personnel, services, and facilities of State and other Federal departments, agencies, and instrumentalities, on a reimbursable or nonreimbursable basis, to carry out the Secretary's responsibilities under this section.

"(h) COAST GUARD AUTHORITY NOT LIMITED.—Nothing in this section shall be considered to limit the authority of the Coast Guard to enforce this or any other Federal law under section 89 of title 14, United States Code.

"(i) INJUNCTIVE RELIEF.—If the Secretary determines that there is an imminent risk of destruction or loss of or injury to a sanctuary resource, or that there has been actual destruction or loss of, or injury to, a sanctuary resource which may rise to liability under section 312, the Attorney General, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the sanctuary resource, or both. The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require."

SEC. 108. AUTHORIZATION OF APPROPRIATIONS: U.S.S. MONITOR ARTIFACTS AND MATERIALS.

The Act is amended by adding at the end thereof the following:

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this title the following:

"(1) GENERAL ADMINISTRATION.—For general administration of this title—

"(A) \$1,800,000 for fiscal year 1989;

"(B) \$1,900,000 for fiscal year 1990;

"(C) \$2,000,000 for fiscal year 1991; and

"(D) \$2,100,000 for fiscal year 1992.

"(2) MANAGEMENT OF SANCTUARIES.—For management of national marine sanctuaries designated under this title—

"(A) \$2,000,000 for fiscal year 1989;

"(B) \$2,500,000 for fiscal year 1990;

"(C) \$3,000,000 for fiscal year 1991; and

"(D) \$3,250,000 for fiscal year 1992.

"(3) SITE REVIEW AND ANALYSIS.—For review and analysis of sites for designation under this title as national marine sanctuaries—

"(A) \$450,000 for fiscal year 1989;

"(B) \$500,000 for fiscal year 1990;

"(C) \$550,000 for fiscal year 1991; and

"(D) \$600,000 for fiscal year 1992.

"SEC. 314. U.S.S. MONITOR ARTIFACTS AND MATERIALS.

"(a) CONGRESSIONAL POLICY.—In recognition of the historical significance of the wreck of the United States ship Monitor to coastal North Carolina and to the area off the coast of North Carolina known as the Graveyard of the Atlantic, the Congress directs that a suitable display of artifacts and materials from the United States ship Monitor be maintained permanently at an appropriate site in coastal North Carolina.

"(b) INTERPRETATION AND DISPLAY OF ARTIFACTS.—

"(1) SUBMISSION OF PLAN.—The Secretary shall, within six months after the date of the enactment of this section, submit to the Committee on Merchant Marine and Fisheries of the House of Representatives a plan for a suitable display in coastal North Carolina of artifacts and materials of the United States ship Monitor.

"(2) CONTENTS OF PLAN.—The plan submitted under subsection (a) shall, at a minimum, contain—

"(A) an identification of appropriate sites in coastal North Carolina, either existing or proposed, for display of artifacts and materials of the United States ship Monitor;

"(B) an identification of suitable artifacts and materials, including artifacts recovered or proposed for recovery, for display in coastal North Carolina;

"(C) an interpretive plan for the artifacts and materials which focuses on the sinking, discovery, and subsequent management of the wreck of the United States ship Monitor; and

"(D) a draft cooperative agreement with the State of North Carolina to implement the plan.

"(c) DISCLAIMER.—This section shall not affect the following:

"(1) RESPONSIBILITIES OF SECRETARY.—The responsibilities of the Secretary to provide for the protection, conservation, and display of artifacts and materials from the United States ship Monitor.

"(2) AUTHORITY OF SECRETARY.—The authority of the Secretary to designate the Mariner's Museum, located at Newport News, Virginia, as the principal museum for coordination of activities referred to in paragraph (1)."

SEC. 109. CHANNEL ISLANDS NATIONAL MARINE SANCTUARY PROTECTION.

(a) REPORT.—The Secretary of Transportation, not later than 6 months after the date of the enactment of this Act, shall transmit to Congress—

(1) the provisions of international conventions and United States laws and regulations which reduce the risk of a vessel collision or incident resulting in damage to the environment in the Channel Islands National Marine Sanctuary;

(2) the provisions of the National Contingency Plan for removal of oil and hazardous substances prepared under section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) which enable the Secretary to effectively respond to an oil pollution incident in or affecting the Channel Islands National Marine Sanctuary;

(3) a list of pollution exercises conducted under that National Contingency Plan in the Santa Barbara Channel before the date of the enactment of this Act, and a schedule of pollution exercises scheduled to be conducted under that plan in that channel during the 12 months following the date of the enactment of this Act; and

(4) a report on the establishment—

(A) under the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) of safety fairways off the coast of California; and

(B) of the Long Beach NAVTEX in Long Beach, California.

(b) STUDY REVIEW AND REPORT.—The Secretary of Transportation shall review all Federal, State, and local studies conducted on the hazards of shipping operations and the risks those operations pose to the environment and natural resources of the Channel Islands National Marine Sanctuary, and report to the Congress not later than 6 months after the date of the enactment of this Act on the status and recommendations of each of those studies. The Secretary shall include in the report a recommendation of whether an alternate vessel traffic separation scheme would reduce the risks of shipping operations to the environment and natural resources in the Channel Islands National Marine Sanctuary.

(c) PROPOSAL OF DESIGNATION OF AREA TO BE AVOIDED.—The Secretary of Transportation shall prepare and submit a proposal to

the International Maritime Organization to designate the portion of the Channel Islands National Marine Sanctuary which is outside of the Santa Barbara Channel Traffic Separation Scheme, as an area to be avoided. The Secretary shall ensure that the proposal would not result in undue interference with international vessel traffic in the Santa Barbara Channel, or with enjoyment of the Channel Islands National Marine Sanctuary under title III of the National Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

SEC. 110. REGULATIONS.

The Secretary of Commerce shall issue regulations implementing the amendments made by this title and the amendments made by the Marine Sanctuaries Amendments of 1984 not later than one year after the date of the enactment of this Act.

TITLE II—LIABILITY FOR DESTRUCTION OR LOSS OF, OR INJURY TO, NATIONAL PARKS SYSTEM RESOURCES

SEC. 201. PARK SYSTEM RESOURCES.

(a) DEFINITIONS.—As used in this title—

(1) DAMAGES.—The term "damages" includes the following:

(A) Compensation for—

(i)(I) the cost of replacing, restoring, or acquiring the equivalent of a park system resource; and

(ii) the value of the lost use of a park system resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(i) the value of the park system resource in the event the resource cannot be replaced or restored; and

(B) the cost of assessments under subsection (d).

(2) RESPONSE COSTS.—The term "response costs" means the costs of actions taken by the Secretary of the Interior to minimize destruction or loss of or injury to park system resources, or to minimize the imminent risk of such destruction, loss, or injury.

(3) PARK SYSTEM RESOURCE.—The term "park system resource" means any living or nonliving resource that is located within or is a living part of a marine regimen or a Great Lakes aquatic regimen (including an aquatic regimen within Voyageurs National Park) within the boundaries of a unit of the National Park System.

(b) LIABILITY.—

(1) IN GENERAL.—Subject to paragraph (3), any person who destroys, causes the loss of, or injures any park system resource is liable to the United States for response costs and damages resulting from such destruction, loss, or injury.

(2) LIABILITY IN REM.—Any vessel used to destroy, cause the loss of, or injure any park system resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury.

(3) DEFENSES.—A person is not liable under the subsection if—

(A) that person can establish that the destruction or loss of, or injury to, the park system resource was caused solely by an act of God, an act of war, or an act or omission of a third party, and that the person acted with due care;

(B) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or

(C) the destruction, loss, or injury was of a de minimus nature.

(c) CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.—The Attorney General, upon re-

quest of the Secretary of the Interior, may commence a civil action in the United States district court for the appropriate district against any person who may be liable under subsection (b) for response costs and damages. The Secretary of the Interior, acting as trustee for park system resources on behalf of the United States, shall submit a request for such a action to the Attorney General whenever a person may be liable for such costs or damages.

(d) RESPONSE ACTIONS AND ASSESSMENT OF DAMAGES.—

(1) RESPONSE ACTIONS.—The Secretary of the Interior may undertake all necessary actions to prevent or minimize the destruction or loss of, or injury to, park system resources, or to minimize the imminent risk of such destruction, loss, or injury.

(2) ASSESSMENT OF DAMAGES.—The Secretary of the Interior shall assess damages to park system resources.

(e) USE OF RECOVERED AMOUNTS.—Response costs and damages recovered by the Secretary of the Interior under this section shall be retained by the Secretary in accordance with section 107(f)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(f)(1)), and used as follows:

(1) RESPONSE COSTS AND DAMAGE ASSESSMENTS.—Twenty percent of amounts recovered under this section, up to a maximum balance of \$1,000,000, shall be used to finance response costs and damage assessments by the Secretary of the Interior.

(2) RESTORATION, REPLACEMENT, MANAGEMENT, AND IMPROVEMENT.—Amounts remaining after the operation of paragraph (1) shall be used, in order of priority—

(A) to restore, replace, or acquire the equivalent of park system resources which were the subject of the action;

(B) to manage and improve the national park of which such park system resources are a part; and

(C) to manage and improve any other unit of the National Park System.

SEC. 202. INJUNCTIVE RELIEF.

If the Secretary of the Interior determines that there is an imminent risk of destruction or loss of or injury to a park system resource, or that there has been actual destruction or loss of or injury to such resource which may give rise to liability under section 201, the Attorney General, upon request of the Secretary of the Interior, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the resource, or both. The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

TITLE III—ABANDONED SHIPWRECKS LOCATED IN NATIONAL MARINE SANCTUARIES

SEC. 301. MANAGEMENT OF ABANDONED SHIPWRECKS LOCATED IN NATIONAL MARINE SANCTUARIES.

Section 6 of the Abandoned Shipwreck Act of 1987 (43 U.S.C. 2105) is amended by adding at the end the following new subsection:

"(f) NATIONAL MARINE SANCTUARIES.—This Act shall not affect the management of abandoned shipwrecks located within the boundaries of any national marine sanctuary established under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.)."

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Madam Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Madam Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. LOWRY] chairman of the Subcommittee on Oceanography.

Mr. LOWRY of Washington. Madam Speaker, I rise today to speak in support of H.R. 4208, legislation that I introduced on March 21, 1988 with my colleagues, Mr. JONES of North Carolina, Mr. STUDDS, Mr. FASCELL, Mr. ALKANDER, and Mr. HUGHES. The basic purpose of H.R. 4208 is to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972 to reauthorize the National Marine Sanctuary program for 4 years with a modest expansion of funding based on the additional requirements of the legislation.

Nationally significant marine resource areas are of great value for research, education and for promoting general public awareness of our marine environment. As our ocean waters are continuously threatened by pollution and other damaging incidents, the establishment and maintenance of marine sanctuaries for the protection of nationally significant resources is of essential priority if we are to continue to enjoy the benefits of unique ocean and coastal resources to which we have become accustomed.

The amendments to the Marine Protection, Research, and Sanctuaries Act that have been incorporated into this piece of legislation recognize issues that require immediate attention. These include the need for: First, improved timeliness and predictability of the national marine sanctuary site designation process; second, clarification of liability for damages to these valuable marine resources; and third, movement toward a uniform enforcement authority to better protect marine resources.

To begin, I would like to point out that existing law contains no deadline regarding site designation. This creates a tremendous problem as too often NOAA has proposed active candidates for site designation, for example Cordell Banks or Flower Garden Banks National Marine Sanctuary, and never completes the process to finally designate the sanctuary. Section 102 amends title III to require the Sec-

retary to publish a notice of designation with final regulations no later than 120 days after the close of the first 45-day period for congressional review of a proposed sanctuary, with the possibility of a 30-day extension period should the Secretary deem it necessary. This section also requires NOAA to publish a notice of designation—or findings detailing reasons why one has not been published—within 30 months of the date which a site is determined to be an "Active Candidate" from the Site Evaluation List.

Madam Speaker, these new provisions would force action that has been delayed in the past. The bill also mandates that decisions not to proceed with designation of a site be explained in writing and referred to the relevant House and Senate Committees. This will in turn increase the predictability and accountability of the designation process.

The next section deals with the promotion and coordination of research, special use permits, and cooperative agreements and donations. Section 103 of this act strikes section 308 of the title and adds sections 309, 310, and 311 to deal with the above topics, respectively. Since national marine sanctuaries provide ideal environments for conducting marine research projects, section 309 requests that NOAA give priority to marine research within the marine sanctuaries and consult with Federal and State agencies to actively promote their use of the sanctuaries for research purposes.

Because not all activities can be adequately controlled under existing sanctuary regulations, such as those for research, education and salvaging, section 310 establishes a special use permitting system to complement those existing regulations. If NOAA determines that a permit is necessary to promote public use and understanding of or to establish access to a sanctuary, it may issue such a permit with a 5-year maximum duration, renewable by the Secretary, under the specific terms established in this section. These terms require that the permittee's activities are compatible with the purposes for which the sanctuary was designated, not resulting in any destruction, loss, or injury to its resources, and that the permittee maintains general liability insurance. The permittee must submit an annual report describing the activities conducted by the end of each year. Should any of these terms be violated, the Secretary is authorized to revoke the permit. Section 310 also establishes a specific method of determining the permit fee and authorizes the Secretary to use these fees for management purposes and permit administration.

Under section 311, the Secretary of Commerce is explicitly authorized to enter into cooperative agreements

with any nonprofit organizations and to authorize those organizations to solicit private donations for the support of sanctuary activities. This section also allows the Secretary to accept any donations and to expend those donations for sanctuary purposes.

The next section, section 104, establishes a system for restoring those marine sanctuary resources that are destroyed, injured or lost. The section states that any person responsible for such destruction, injury or loss will be held liable to the United States for damages and appropriate response costs. Likewise, any responsible vessels will be held liable in rem. Persons will not be liable if they can establish that the destruction, injury or loss was caused by an act of God, war, or a third party, that the causal activity was authorized by Federal or State law or that the damage is of a de minimus nature. The Secretary is directed to pursue civil actions against those persons who are liable to recover response costs and damages.

Recovered funds will be set aside in a separate account and used to remedy the damaged resources. This provision works in accordance with section 107(f)(1) of the Comprehensive Environmental Response, Liability and Compensation Act [CERCLA]. The set-aside may exist at a maximum of \$750,000 to finance the relevant response actions. This bill requires that remaining funds be used to restore, replace or acquire the equivalent of the damaged resources. In the event that this is not possible, the Secretary is authorized to use the funds for managing and improving the affected sanctuary and then managing other sanctuaries in need of funding.

Madam Speaker, because of the slow pace of the designation process, specifically with respect to Cordell Banks and Flower Gardens, and because of nationally significant characteristics found in other areas, section 105 of this act establishes a specific schedule for the designation process for four sites: Cordell Banks, Flower Gardens, Monterey Bay and Western Washington Outer Coast.

The section requires that a final notice of designation for the Cordell Banks National Marine Sanctuary be issued no later than December 31, 1988. It is my understanding that this is feasible and that the administration actually intends to publish the notice prior to this deadline.

A notice of designation for the Flower Gardens National Marine Sanctuary is required by March 31, 1989. Although the designation process for this site has been underway for 10 years, I believe that this date is reasonable now that disputes between NOAA and the State Department regarding NOAA's authority to prohibit harmful anchoring of foreign flag vessels in that area have been resolved.

Section 105 requires that Monterey Bay's final notice of designation be issued no later than December 31, 1989. Monterey Bay was previously an active candidate for designation, until NOAA removed it from the list for reasons which are somewhat unclear and inadequate. For example, NOAA felt that this was not a necessary sanctuary because two other sanctuaries in California protect similar resources and that the size of the proposed sanctuary would put a strain on NOAA's existing enforcement capabilities.

California's present sanctuary resources do not include submarine canyons, such as those found in Monterey Bay and are not as accessible to the public as Monterey Bay. In addition, NOAA did not know what the size of the Monterey Bay National Marine Sanctuary would be since the evaluation process was never completed. It turns out, in fact, that the Monterey Bay National Marine Sanctuary would most likely be considerably smaller than either of the two existing California sanctuaries. These facts, coupled with pollution, from various sources, that continues to pose serious health threats which cannot be controlled by existing conservation measures in the area, support my belief that Monterey Bay is certainly appropriate for designation.

The Western Washington Outer Coast was placed on the Site Evaluation List in August 1983 and, under this act, would be finally designated by June 30, 1990. This site is adjacent to the Olympic National Park and holds a nationally significant collection of flora and fauna in addition to its variety of sea birds and marine mammals. However, the boundaries for this site as described when placed on the Site Evaluation List are not adequate for the protection of the rocky stacks used by the sea birds and marine mammals which are so integral to the significance of this site. Therefore, Madam Speaker, I would like to make a strong point of directing NOAA to use initial boundary descriptions only as a general point from which further detailed review should stem. The boundaries should be subject to change upon review and open to development until the final notice of designation is issued.

Section 105 of this act also requires that the Secretary submit a prospectus to the Committees on Merchant Marine and Fisheries and Commerce, Science, and Transportation regarding the proposed Northern Puget Sound National Marine Sanctuary by March 31, 1991. This area contains nationally significant characteristics that should be protected, but is also a source of various human recreational and research activities. Because of the multiple uses of the area and the fact that extensive consultation is necessary re-

garding the specific area to be designated, I believe that March 1991 is an appropriate deadline for the prospectus.

Section 106 of this act recognizes four new areas that may be suitable for designation: American Shoal, Sombrero Key, Alligator Reef, and Santa Monica Bay. This section requires the Secretary to conduct investigations of these areas and to submit, not later than 2 years after the enactment of the act, a report to Congress regarding a decision as to whether any of these areas, or parts thereof, are appropriate for designation as marine sanctuaries or, in the case of the Florida Key areas, for addition to the existing Key Largo or Looe Key National Marine Sanctuaries.

Section 107 makes some amendments regarding enforcement activities as a move toward uniform authority to diminish possible confusion by marine law enforcement agents. These amendments have been modeled after the enforcement provisions of the Magnuson Fishery Conservation and Management Act. Clarifications have been made with respect to civil penalty assessment, property seizure or forfeiture and storage costs. All are consistent with authorities found in the Magnuson Act.

In section 108 of this act, new sections are added to title III regarding the authorization of appropriations and U.S.S. *Monitor* artifacts and materials. In contrast to past plans, appropriation authorizations would be divided into three categories: First, "general administration," which includes any costs relating to NOAA headquarters operations; second, "management of sanctuaries," which includes any costs relating to on-site management and operations; and third, "site review and analysis," which includes any costs relating to the consideration of a site for national marine sanctuary designation.

Provisions regarding U.S.S. *Monitor* artifacts and materials require the Secretary to submit, within 6 months of the enactment of this act, a plan that identifies suitable artifacts and materials to be displayed as well as suitable display sites in coastal North Carolina.

Section 109 deals with the protection of the Channel Islands National Marine Sanctuary. It requires that the Secretary of Transportation transmit to Congress provisions that enable response to oil pollution incidents and other incidents which result in damage to the environment in the Channel Islands Sanctuary. The Secretary must also review all Federal, State, and local studies conducted on the hazards of shipping operations and submit recommendations on those studies.

Title II of this act as amended by a committee amendment, which was de-

veloped in consultation with the Committee on Interior and Insular Affairs, the committee of jurisdiction with respect to the National Park System, covers liability for destruction, loss of, or injury to marine or aquatic National Park System resources. It is similar to section 104 of this act, that section which covers liability for destruction, loss of, or injury to marine sanctuary resources in all aspects except that it applies to park system resources and that a set-aside of \$1 million (as compared to the marine sanctuaries' \$750,000) has been authorized to finance response costs.

Finally, Madam Speaker, for concern about the protection of historic shipwrecks located within national marine sanctuaries, title III of this act amends the Abandoned Shipwreck Act of 1987 to clarify that the Abandoned Shipwreck Act does not affect the management, by the Secretary of Commerce, of these abandoned shipwrecks. The Secretary would have the authority to manage the salvage to protect the wreck and its surrounding resources.

Madam Speaker, I believe that this is a most worthwhile piece of legislation. Positive action must be taken to protect our important ocean and coastal resources and this act is a major step in that direction. I would urge my colleagues to support it.

Finally, Madam Speaker, I would like to thank my colleagues on the Merchant Marine and Fisheries Committee, who have helped to improve this legislation, especially Mr. Jones and Mr. STUBBS, as well as Mr. Young of Alaska, Mr. Davis of Michigan, and Mr. SHUMWAY, the ranking minority member of the Oceanography Subcommittee.

Mr. LEVINE of California. Madam Speaker, will the gentleman yield for a colloquy?

Mr. LOWRY of Washington. I am happy to yield to the gentleman from California, who has been a leader on this issue.

Mr. LEVINE of California. Madam Speaker, I thank the gentleman for yielding. I would like to commend the gentleman as well as the chairman and ranking members of the committee for their leadership on this very important issue and compliment them on a very important and significant piece of legislation.

Madam Speaker, the gentleman's subcommittee included a study of Santa Monica Bay for possible designation as a national marine sanctuary. I am delighted that Santa Monica Bay will receive such consideration.

I strongly believe designation of the bay is warranted. Santa Monica Bay is a valuable natural resource in southern California. The northern portion of the bay is adjacent to the unique Santa Monica Mountains National Recreational Area, a national park

unit which is comprised of 150,000 acres of mountains and seashore. The bay itself harbors several endangered species of birds and mammals, including the gray whale which migrates through the bay annually. And extensive kelp beds are found off its most westerly and southern points.

But Santa Monica Bay is also a unique example of a marine environment with important recreational values. In 1987, it is estimated that 55 million visitors used the beaches of Los Angeles County which encompasses the bay. Tourism is a vital component of the region's economy. The bay would greatly benefit by long-term protection of its marine resources.

I would like to confirm with my distinguished colleague from Washington what I understand to be the reason why this study was included in the marine sanctuaries reauthorization. It is my understanding that this study represents the committee's renewed interest in considering for designation as marine sanctuaries, areas which are of unique recreational value, along with the practice of designating those areas which are singularly of important ecological value. Is this correct?

Mr. LOWRY of Washington. Yes, while the most recent focus of the Marine Sanctuaries Program has been on marine environments of spectacular and/or unique ecological values, inclusion of a study of whether Santa Monica Bay should be designated, demonstrates a renewed interest in managing and protecting marine environments which are specifically significant because of their recreational values. Inclusion of a study for Santa Monica Bay recognizes the consideration of recreational criteria for designation which are set forth in the Marine Sanctuaries Act and the need for NOAA to do a thorough study of whether Santa Monica Bay meets the criteria of the act before the bay becomes subject to the designation process.

Mr. LEVINE of California. The statute contemplates designation of marine environments that (and I am paraphrasing the law now) are "of special national significance due to . . . human-use values," have "present and potential uses . . . that depend on maintenance of the areas' resources, including . . . recreational activities," or if designated would afford the public "long-term protection of nationally significant resources, vital habitats, and resources which generate tourism."

Mr. LOWRY of Washington. The statute does, in fact, contemplate such designations which would enhance historic recreational use. As a longstanding proponent of restoring and protecting our marine environment, I believe it is vital that the recreational values as well as other uses of our

oceans and coastal areas be protected, so that all may continue to enjoy these valuable resources.

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I want to add to the gentleman from California [Mr. LEVINE] that in particular his work is what resulted, along with his colleagues from the area who were also very concerned with this important question, in this study being part of this important legislation.

Mr. LEVINE of California. I want to thank my friend and colleague for his leadership, for his thoughtfulness on this particular aspect of the legislation and for his leadership in this and so many other related issues.

Mr. PANETTA. Madam Speaker, will the gentleman yield?

Mr. LOWRY of Washington. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Madam Speaker, it is with great pleasure that I rise in support of H.R. 4208. The bill reauthorizes the Federal Marine Sanctuaries Program and, I am delighted to note, it also provides the basis for the designation of Monterey Bay, in my district, as a national marine sanctuary. The provisions in the bill are similar to legislation which I have introduced in past years, including H.R. 734, in the 100th Congress.

Before commenting on this provision of the bill, let me extend my sincere appreciation to MIKE LOWRY, GERRY STUDDS, and WALTER JONES for their leadership and their hard work in piloting the bill through subcommittee and full committee. In particular, let me thank them, on behalf of myself and thousands of my constituents, for including the Monterey Bay provisions which will help to protect this beloved and exceptional natural resource.

Although there are many reasons why Monterey Bay is a special resource, one simple fact illustrates its very special quality. Monterey Bay includes the largest underwater canyon on the North American coast—an underwater canyon which, in fact, is deeper than the Grand Canyon. This fact should help capture its uniqueness even for those who have never visited the Monterey area.

Monterey Bay also provides important habitat for several endangered and threatened species and, because its deep waters are so near the shore, contains a rich mix of species of flora and fauna, many of which are normally found in deep ocean waters. It is also home to an exceptionally vibrant fish population, and, as a result, the commercial fishing industry has thrived for decades in the Monterey Bay area. In addition, many other industries which are critical to the health of the local economy—including tourism, restaurants, and sport fishing—depend heavily on the bay for their existence.

Despite its critical importance to the community, the bay is threatened by off shore drilling as much as many existing and potential pollutants. For example, the Bureau of Reclamation has repeatedly suggested the dumping of contaminated toxic wastewater from the Kesterson Reservoir into the Pacific Ocean, at Monterey Bay, among other sites, despite extremely strong opposition from many public officials and the public. Although State and local officials are working hard to protect the bay from threats such as this, there is a clear need for a coordinated approach to the protection of the bay. Designation of the bay as a national marine sanctuary will provide the basis for development of a management plan which will allow this kind of coordination.

The importance of the bay has been known to the agency which administers the Marine Sanctuary Program—the National Oceanic and Atmospheric Administration, NOAA—for many years. I am sorry to say, however, that this knowledge has not been properly reflected in NOAA's actions. Although Monterey Bay was an active candidate for sanctuary designation for 6 years, starting in 1978, NOAA abruptly removed it from the candidate list in late 1983 without public comment. As the committee report demonstrates in some detail, NOAA's stated reasons for removing Monterey Bay from the active list cannot withstand close examination.

The bill which we are considering today, H.R. 4208, takes a careful approach which will remedy NOAA's arbitrary treatment of Monterey Bay, while preserving important existing steps in the designation process. H.R. 4208 requires the Secretary of Commerce to issue a notice of designation for Monterey Bay by December 31, 1989. As the report makes clear, however, this does not pre-empt any of the pre-designation steps which would otherwise be required, including preparation of an environmental impact statement, development of a draft management plan, the holding of public hearings in the area, and the submission of the prospectus to Congress for review before publication of the notice. Moreover, after the notice is issued, there will be further opportunities for review, through existing provisions of law which allow the Governor to review (and even disapprove) the designation, or terms of the designation, for parts of sanctuaries within State waters, and which allow Congress to take the same approach for parts of sanctuaries within Federal waters.

The committee report emphasizes another requirement to which I would like to add my comments. As the report notes at several points, it is critical that agency decisions with respect to the designation of Monterey Bay

(as well as other sites for which notices of designation are required) be the product of extensive consultation with the public in the affected area and with State and local government officials and interested groups.

One appropriate way to do this might be to form an informal advisory group in the community, composed of individuals and representatives of Government and interested groups, to advise NOAA at each step along the way. I would be pleased to help develop this group and to work with them, to ensure that local contributions and views are reflected in the development of the management plan for Monterey Bay.

In closing, let me once again thank the chairmen of the Subcommittees on Oceanography and on Fisheries and Wildlife Conservation and the Environment, the chairman of the full Merchant Marine and Fisheries Committee, as well as members of the subcommittees and full committee, for their recognition of the importance of designating Monterey Bay as a national marine sanctuary.

I urge my colleagues to suspend the rules and pass H.R. 4208, and I would also urge my Senate colleagues to act speedily on this bill, so that we may complete action during the remaining weeks of the 100th Congress.

Mr. JONES of North Carolina. Madam Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in strong support of H.R. 4208, the reauthorization of the National Marine Sanctuaries Program.

Madam Speaker, my colleagues who have spoken before me have described well the principal components of the legislation we bring before the House today, so I will confine my remarks to those portions of the bill that would codify a system of liability for those who cause damage to the natural resources of a national marine sanctuary.

Madam Speaker, section 104 of H.R. 4208 proposes to add several new sections to the National Marine Sanctuaries authorizing statute to codify what I believe is a startlingly simple proposition: That those who cause harm to the natural resources of a national marine sanctuary should be responsible for that harm. In short, section 104 will:

Impose liability on those who cause damage to the resources of a sanctuary;

Require the National Oceanic and Atmospheric Administration [NOAA] to evaluate the extent of the damage;

Then require NOAA to recover funds from those who caused the

damage and plough them back into restoring the sanctuary itself.

The amendment also authorizes NOAA to proceed directly against those who are responsible through the use of injunctive relief.

Since ordering the bill reported, the committee has received correspondence on the legislation from the Department of Justice that raised several issues that I would like to speak to today. First, like the Clean Water Act and CERCLA—the Superfund law—these provisions would impose strict, joint and several liability on those who are responsible for causing the damage. But unlike the Clean Water Act and CERCLA, these provisions are not limited by the types of substances that cause damage. While the Clean Water Act speaks to discharges of oil and CERCLA to the release of hazardous substances and pollutants, these provisions would cover damage from any source or cause—from pollution to vessel groundings to the intentional destruction of resources.

Madam Speaker, title II of the bill as reported by the Merchant Marine Committee also extended the same rules for liability and recovery to the 79 million acres that comprise the National Parks System. While I sponsored the amendment within the Merchant Marine Committee, the credit for it must lie with the gentleman from Florida, (Mr. FASCELL) within whose district lie both a marine sanctuary and an underwater national park that have sustained significant damage to their coral resources—damage that demonstrated the need for these liability and recovery provisions.

We owe our thanks for the inclusion of title II of the bill to the leadership of the Interior Committee, including in particular the good chairman of the committee, Mr. UDALL, and the chairman of the Parks Subcommittee, Mr. VENTO, for their support of these provisions and for their gracious cooperation in acting rapidly on the bill. While I am sorry that the committee limited the reach of title II to marine and Great Lakes aquatic areas rather than to the park system as a whole, I also understand the procedural constraints governing the committee's consideration and its reluctance to endorse so sweeping a revision to the parks statutes without careful prior review.

Finally, overall credit for the legislation is owed to the chairman of the Oceanography Subcommittee for his dedicated efforts to pursue a broad based reauthorization that will bring the sanctuaries program back on course and help reverse years of inaction and neglect by the administration. The designations of new sanctuaries that we propose here today should never have been necessary: The extraordinary character of Monterey

Bay, Cordell Bank and the other areas in the bill more than justify their inclusion into the system, and my friend from Washington deserves high praise for recognizing the need to override the intransigence of the NOAA officials who have for too long sought to tear down and destroy the program they were charged with nurturing.

Madam Speaker, this is a good bill that will renew our commitment to the extraordinary marine areas that rim our coasts and I urge its passage.

Mr. VENTO. Madam Speaker, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Madam Speaker, I want to commend the gentleman for his statement and for the cooperation of the Committee on Merchant Marine and Fisheries in their work on this.

Madam Speaker, H.R. 4208 was sequentially referred to the Interior Committee after being reported from the Committee on Merchant Marine and Fisheries because of the reported bill's provisions dealing with the National Park System.

The Interior Committee approved those provisions in revised form. They are in title II of the reported bill.

The title deals with liability for destruction or injury of resources located in marine or Great Lakes areas within the National Park System, including resources of the water column and submerged lands up to the high tide or high-water line. It would parallel other provisions in the bill that address similar situations involving the National Marine Sanctuaries.

Among other things, the legislation responds to experiences with cases where ships have gone aground on coral reefs in sanctuary areas and national parks. Under the current law, the National Government can only recover damages for injuries to such natural resources by lawsuits based on damaging Government property. Not only does this make recovery more difficult—because it adds to the burden of proof the Government must sustain—but there is no assurance any funds recovered will be used to repair the damage or restore the area. This is because the proceeds of such a lawsuit are not retained by the agency that manages the damaged area, but instead go into the General Treasury.

Title II of H.R. 4208 as reported would change this. It would allow the Secretary of the Interior to sue as trustee of the resources covered by the title and it would define the kinds of damages for which the Secretary could recover. It would also provide that amounts recovered would be retained by the National Park Service, instead of being paid into the General Treasury. Amounts recovered would go, first, to establish and maintain a

fund for use in responding to future damages to the resources, and, next, to restore damaged resources or manage and improve national park areas.

There would be no liability for damages that were so small as to be de minimis, or in cases where the activity affecting covered resources was being carried out in compliance with applicable Federal or State law. Due care would also be a defense, and of course damages from acts of God or acts of war would not result in liability.

Madam Speaker, the provisions in title II of the bill are sound and desirable. They will enhance the ability of the Secretary of the Interior to respond appropriately to the kinds of serious problems that have arisen from such events as the shipwrecks I mentioned earlier. I urge the House to approve title II and the rest of this good bill.

Mr. LAGOMARSINO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4208, the National Marine Sanctuaries Program Authorization Act of 1988 and to commend the gentleman from North Carolina (Mr. JONES) and the gentleman from Michigan (Mr. DAVIS), the gentleman from Alaska (Mr. YOUNG), and the gentleman from Washington (Mr. LOWRY), also Mr. STUDDS and of course Mr. UDALL and Mr. VENTO for their work on this bill and for the work of the committee and staff of both the Committee on Merchant Marine and Fisheries and the Committee on Interior and Insular Affairs.

Madam Speaker, as has been stated, this bill reauthorizes the National Marine Sanctuaries Program for another 4 years, and makes a number of changes in the act, some of which have already been mentioned. I am particularly interested in this act because the largest of the marine sanctuaries, the Channel Islands National Marine Sanctuary, comprising 1,252 square nautical miles, is within my congressional district. The sanctuary encompasses the Channel Islands National Park, which was created under legislation which I authored at about the same time the sanctuary was designated.

About 10 months ago, in September 1987, the PAC *Baroness*, a Liberian-registered ore carrier, was struck by a Panamanian-registered car-carrier ship at the western entrance to the Santa Barbara Channel, and sank, spilling its cargo of copper ore and bunker fuel oil into the sea, and creating a large oil slick which threatened marine life in the sanctuary as well as seal and sea lion colonies on San Miguel Island in the park.

At my request, several members of the Coast Guard and Navigation Subcommittee, including the gentleman

from Alaska [Mr. YOUNG], the gentlewoman from Hawaii [Mrs. SAKI], and the gentleman from California [Mr. HERGER] flew over the scene and held a meeting in Santa Barbara to hear from fishermen, local officials and members of the public regarding the issue of marine safety in the channel.

The vehicle for the meeting was legislation I had introduced in January 1987, to bar Alaskan oil tankers from the channel—under current law, only U.S. ships can be directly barred from the channel, which is in international waters. As a result of that visit and a hearing here in Washington, DC, last December, a new bill was drafted, H.R. 3772, containing five titles and incorporating a number of the suggestions made at those two forums.

When H.R. 4208 was approved by the House Merchant Marine and Fisheries Committee last month, the gentleman from Michigan [Mr. DAVIS], the ranking member of the committee, offered a package of amendments at my request incorporating several provisions of H.R. 3772. The amendments were accepted and are included in the bill before us today.

Among the amendments are provisions directing the Secretary of Transportation to report within 6 months of enactment of the bill on international conventions and U.S. laws and regulations affecting marine safety in the channel; a list of pollution cleanup exercises scheduled for the channel; a review of all Federal, State and local studies on shipping hazards in the channel; a recommendation on whether an alternative vessel traffic separation scheme would reduce the risk of shipping operations in the channel; a report on the establishment of safety fairways in the channel; and a report on the establishment of Navtex radio navigation and safety system to cover shipping operations in the channel.

The amendments also require the Secretary to prepare and submit a proposal to the International Maritime Organization to designate the channel as "an area to be avoided" on international shipping charts. Also included in H.R. 4208 is a section similar to title IV of my bill creating a special emergency response fund, funded by fines collected from shipowners and operators, to fight oil spills and other threats to marine sanctuaries.

In conclusion, Madam Speaker, there are a number of provisions in this bill of interest to my district, as well as to NOAA, and I urge an "aye" vote on the bill.

Mr. YOUNG of Alaska. Madam Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Madam Speaker, I want to compliment the gentleman on his leadership. As he mentioned, I was one of the

people at the hearings concerning the Santa Barbara Channel. His leadership in protecting the area and, in this bill, having the Department of Transportation report back is to be applauded. I hope those people who are involved with the Santa Barbara traffic recognize the role of the gentleman in trying to solve the problems to see that it does not happen, where in the past we had two foreign flagged vessels strike one another, depositing a waste in the channel which has many facets of the environment and of people involved in it.

Mr. LAGOMARSINO. I thank the gentleman for his statement.

Madam Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. BOSCO].

Mr. BOSCO. Madam Speaker, I rise in support of H.R. 4208, marine sanctuaries authorization.

I am particularly pleased that this bill requires the Commerce Department to designate Cordell Bank a national marine sanctuary. Cordell Bank is an elliptically shaped, 5-by-9-mile underwater "island" located 30 miles off the coast of Sonoma County in northern California.

Cordell Bank lies just north of the existing Farallones National Marine Sanctuary—the shelf itself is located under 100 feet of water at its highest point. It is home to many rare species of marine animals, plants and corals, and its designation as a sanctuary will guarantee increased protection for the region's resources and wildlife.

Madam Speaker, Congress has declared the goals of the National Marine Sanctuary Program to be the identification and preservation of "areas of the marine environment of special national significance due to their resource or human-use values." Cordell Bank is exactly the sort of extraordinary underwater region that Congress contemplated when it established this program.

A unique combination of ocean currents, nutrient upwellings, and sunlight penetration allows Cordell Bank to support a variety of fish and invertebrate species of marine life. Many species of marine birds and marine mammals, including endangered humpback and blue whales, feed in the surrounding waters.

I urge my colleagues to support passage of H.R. 4208.

Mr. JONES of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Madam Speaker, I rise to encourage all of my colleagues to support passage of H.R. 4208, as amended. I believe it is imperative that we provide a stable level of funding for those programs which preserve

and protect offshore natural habitats under title III of the Marine Protection, Research, and Sanctuaries Act of 1972.

Particularly important to me is the amendment which provides for the designation of the Flower Garden Coral Banks in the Gulf of Mexico as a national sanctuary not later than March 31, 1989.

The Flower Garden Banks comprise the northernmost coral reef on the Continental Shelf of North America and, as such, are highly sensitive to changing environments and to the long-term damage resulting from ships anchoring on them. We must take the steps necessary to preserve the Flower Garden Banks as a vibrant marine community and living laboratory for oceanographers and biologists.

Once again, I urge my colleagues to support H.R. 4208 as amended.

□ 1415

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill reauthorizes the National Marine Sanctuaries Program for 4 years. Additionally, it expands the system and improves protection of sanctuary resources. Other than the Department of Commerce, I am aware of no organization opposed to passage of this bill.

The Marine Sanctuary Program was enacted in 1972, and seven sites have been designated. Marine sanctuaries are designed to provide comprehensive protection for nationally significant resources in the marine environment. The most famous site protects the wreck of the U.S.S. *Monitor* off the shores of my district.

The current authorization level for this program is \$3.9 million. This bill modestly expands the funding limits to \$4.25 million in fiscal year 1988; \$4.9 million in fiscal year 1990; \$5.55 million in fiscal year 1991; and \$5.95 million in fiscal year 1992.

These increased levels are needed to support new requirements and initiatives mandated by this bill.

The bill contains three titles. Title I reauthorizes and amends the Marine Sanctuary Program.

Section 102 sets time limits for the designation of sites. Testimony before the committee demonstrated clearly that site consideration was being delayed intolerably. The bill requires the Secretary to designate a site within 30 months of beginning consideration. Alternatively, he must outline the specific reasons why the designation is not complete and a timetable for completion.

Section 103 requires coordination of research activities and establishes a "special use permit" program. The new permit system provides the secretary with a more flexible management tool than is available under current law. No permit can be issued until specific findings have been made and public notice has been issued.

Section 103 also authorizes the Secretary to enter into cooperative agreements with

nonprofit organizations and to accept and expend private donations.

Section 104 makes an important change to existing law by clarifying liability for damage to sanctuary resources, and outlines methods for assessing and expending damage awards. The basic rule is that anyone who injures sanctuary resources is liable for response costs and damages. Damages awards must be used for restoration or management of sanctuary resources.

Section 105 requires designation of four new sites. Over the past 7 years, designation of new sites has been delayed intolerably. The bill addresses this by requiring designation of four new sites, detailed consideration of one site, and initial studies and characterization of two additional sites.

Section 106 requires the Secretary to consider expansion of existing sites in the Florida keys and new site in Santa Monica Bay, CA.

Section 107 brings the enforcement provisions of this law into conformance with those of other marine protection statutes.

Section 108 authorizes appropriations and requires that appropriate artifacts and materials from the U.S.S. *Monitor* be maintained in coastal North Carolina. This later provision is of particular interest to me. This wreck lies 16 miles off my district in the area known as "the graveyard of the Atlantic." This wreck is an important part of the history of coastal North Carolina, and the requirement in this bill guarantees that my State will play a role in interpreting the history of this famous ship.

Section 109 requires the Secretary of Transportation to study the need for additional measures to reduce the risk of shipping through the Channel Islands National Marine Sanctuary.

Section 110 requires that regulations be issued to implement this bill within 1 year of enactment.

Title II of the bill clarifies liability for damages to national park resources and outlines methods for assessing and expending damage awards. This provision was amended during consideration by the Interior Committee and applies only to the marine and aquatic components of the park system.

Title III of the bill clarifies that the Secretary may take steps necessary to ensure protection of abandoned shipwrecks where title has been transferred to a State under Public Law 100-298.

This bill makes important improvements to this program and provides for expanded protection of nationally significant marine resources. I urge passage of H.R. 4208.

Mr. DAVIS of Michigan. Mr. Speaker, I rise in support of H.R. 4208. On the whole, this bill strengthens the National Marine Sanctuary Program, providing needed guidance and recharging a languishing program.

Many parts of this bill deserve special merit: The damage claims section, which codifies NOAA's struggling practice as trustee for the natural resources of these sites;

The further detailings of NOAA's Enforcement authority under the bill, which leads us toward a more uniform enforcement standard for all marine resource protection statutes, and which will aid NOAA and the courts in expeditiously prosecuting offenders;

Credit for the added protection of the southern California Channel Islands National Marine Sanctuary should be given to Congressman ROBERT LAGOMARSINO who authored the bill from which these provisions are taken. Mr. LAGOMARSINO's concern for this beautiful and fragile coastal enclave should be commended, and I hope that the additional protections afforded in this legislation will reduce the risk of deadly oil spills to the wildlife which make the Channel Islands their home; and

The outside time limit for decisions to declare an area as a national marine sanctuary, which should speed up the sluggish designation process and end the limbo for sites which have been pending, in some cases, for 7 years.

The only part of this legislation which gives me pause is the mandated designation of various sites as national marine sanctuaries. This legislative usurpation bypasses the detailed designation process created by their body in 1984, and in one case elevates consideration of a site which was rejected by the administration in 1983.

However, the many virtues of the bill outweigh this one flaw, and I urge my colleagues to support this bill to reauthorize a program protecting and preserving our coastal heritage.

Mr. SHUMWAY. Mr. Speaker, like the administration, I support the continuation of the National Marine Sanctuary Program. However, I oppose this bill in its present form. Specifically, I have very strong concerns with the provisions in H.R. 4208 which deal with legislative designations for certain proposed marine sanctuary areas.

In 1984, the Congress decided, after lengthy discussions and debate, to amend title III of the Marine Protection, Research, and Sanctuaries Act to include the site-selection designation process now in use by the National Oceanic and Atmospheric Administration [NOAA]. Congress should give this process a chance to work.

While I understand that some believe the process has not worked quickly enough, and that NOAA has been remiss in not designating sites since 1984, I do not believe that means that we have to circumvent, and indeed undermine, the whole process by having Congress now make the decisions as to where national marine sanctuaries should be located. Instead, if we want to ensure that the process moves along at a reasonable pace, and still maintain the integrity of the administrative process, we could very well include a time frame or schedule in the reauthorization bill depicting when NOAA should complete all of the necessary data and information gathering, and when it should be submitted to the Congress for review. This time frame or schedule would allow the program to move forward in an orderly and timely fashion based on the merits of the particular sites and on the requisite environmental impact information.

By requiring designation of Monterey Bay and the Western Washington Outer Coast Site legislatively as this bill does, we are in effect making a mockery of the existing procedures under title III of the MPRSA and under the National Environmental Policy Act [NEPA]. If the Congress has already made the decision to designate these sites, what is the value of the public hearings and the environmental impact

statements required by NEPA? Shouldn't the people adjacent to these sites have some say in the designation process?

I also have concern regarding the special study provision for the Santa Monica Bay, which is included in this bill. This special study provision also goes completely outside the normal, orderly process for inclusion on the site evaluation list [SEL], which also involves public comment and community interests. Moreover, there was no indication at our subcommittee that this study provision for Santa Monica Bay was warranted. And NOAA has already testified that the site evaluation list will be open for consideration of additional sites this fall and, if Santa Monica Bay is deserving of inclusion in the program, it should be nominated at that time.

In short, this special study provision puts Santa Monica on the fast track by calling for automatic designation if the study results in positive findings; clearly, this is not fair to the other sites that have been, and continue to be, on the site evaluation list. NOAA has also stated that Santa Monica is not appropriate for this program. For one thing, its size and complexity would use up a disproportionate amount of the resources available to the program.

With regard to the provision in H.R. 4208 which deals with the Abandoned Shipwreck Act, and the Secretary of Commerce's authority to manage shipwrecks within marine sanctuaries, I do believe this is a useful and important clarification of existing law. The Commerce Department and the Congressional Research Service have stated officially to the Merchant Marine and Fisheries Committee that enactment of the shipwreck bill clouded the question of whether the Secretary of Commerce has any say as to whether a State can go ahead with salvage of a vessel within a national marine sanctuary to which title has been transferred to that State. This provision, within H.R. 4208, clarifies this situation and allows the Secretary of Commerce to have management authority even though the State retains title to the shipwreck.

In summary, Mr. Speaker, I again am opposing this bill because I believe on the whole, while the program is important, the provisions dealing with designation of sites for marine sanctuaries undermine the process that the Congress took great care to craft in 1984. I believe the bill should be voted down under suspension, so that we can bring it up under an open rule and amendments can be offered to perfect these problems.

Mr. JONES of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 4208, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to reauthorize appropriations to carry out title III of the Marine Protection, Research, and

Sanctuaries Act of 1972 during fiscal years 1989, 1990, 1991, and 1992, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1988

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4124) to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL AMENDMENT RELATING TO INTERSTATE FISHERIES MANAGEMENT PLAN FOR STRIPED BASS.

Paragraph (7) of section 3 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"(7) the term 'Plan' means the Interstate Fisheries Management Plan for Striped Bass and amendments thereto, prepared and formally adopted by the Commission."

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 7 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by striking "and 1988," and inserting in lieu thereof "1988, 1989, 1990, and 1991."

SEC. 3. EFFECTIVE PERIOD.

Section 9 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by striking "1988," and inserting in lieu thereof "1991."

SEC. 4. FUNDING OF STRIPED BASS STUDIES.

Section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended by striking "the fiscal year ending September 30, 1980," and all that follows through "September 30, 1988" and inserting in lieu thereof "each of the fiscal years 1988, 1989, 1990, and 1991."

SEC. 5. RECOMMENDATIONS OF ATLANTIC STATES MARINE FISHERIES COMMISSION REGARDING ESTABLISHMENT OF MIGRATORY STRIPED BASS CONSERVATION STAMP.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act the Atlantic States Marine Fisheries Commission shall, in consultation with the directors of the National Marine Fisheries Service and the Fish and Wildlife Service, submit to the Committee on Merchant Marine and Fisheries of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Environment and Public Works of the Senate recommenda-

tions regarding the establishment and implementation of a migratory striped bass conservation stamp for States subject to the Interstate Fisheries Management Plan for Striped Bass.

(b) SUBJECTS OF RECOMMENDATIONS.—Recommendations submitted by the Commission pursuant to this section shall address—

(1) the need for a Federal striped bass stamp to continue and strengthen striped bass research, monitoring, and enforcement activities;

(2) whether such a stamp should apply to more than one migratory species;

(3) how a program for such a stamp should be administered;

(4) how revenues from the sale of such a stamp should be distributed; and

(5) such other matters as the Commission considers appropriate.

SEC. 6. NORTH CAROLINA STRIPED BASS STUDY.

(a) FINDINGS.—The Congress finds the following:

(1) Although the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) continues to be effective in helping and beginning to reverse the decline of important Atlantic migratory stocks of striped bass, the striped bass populations in the Albemarle Sound-Roanoke River basin area of North Carolina have continued to decline to a severely depressed level and may soon reach a level from which recovery will be exceptionally difficult.

(2) The reasons for this decline are many, and include the effects of fishing; unsuitable water flow before, during, and after critical spawning periods; degradation of water quality by pollutants; the impact of eutrophication on the food chain; and the impact of changing land use activities.

(3) Despite the seriousness of the decline of the striped bass populations in the Albemarle Sound-Roanoke River basin area, potential solutions to the problem are uncertain, and a study of the problem must be undertaken to obtain additional biological information to develop such solutions.

(4) When the National Marine Fisheries Service, the United States Fish and Wildlife Service, or any other Federal agency considers the effects of water use on striped bass within the Albemarle Sound-Roanoke River basin area, the cumulative effects of all potential withdrawals and discharges should be considered.

(5) Because of the extremely fragile condition of the striped bass populations of the Albemarle Sound-Roanoke River basin area, even small changes in the condition of the Roanoke River could have major consequences for survival of such populations. For the duration of the study authorized by this section, State and Federal agencies should exercise caution to ensure that actions are not taken that may contribute further to the decline of striped bass resources in the study area, and whenever possible, additional conservation actions should be taken to enhance the recovery of North Carolina striped bass populations, including consideration of further reductions in mortality from fishing.

(b) STUDY.—

(1) IN GENERAL.—The Assistant Administrator of the National Oceanic and Atmospheric Administration for Fisheries (hereinafter referred to in this section as the "Assistant Administrator") and the Director of the United States Fish and Wildlife Service (hereinafter referred to in this section as the "Director")—

(A) shall jointly and immediately undertake a comprehensive biological study of the

striped bass fishery resources and habitats of the Albemarle Sound-Roanoke River basin area;

(B) develop short-term and long-term recommendations for Federal and State government agencies for restoring and conserving such resources and habitats; and

(C) submit the results of such study and such recommendations to the Congress and to the State of North Carolina not later than 18 months after the date of the enactment of this Act.

(2) CONTENTS OF THE STUDY.—The study conducted under this subsection shall include—

(A) investigation of the size and distribution of striped bass populations in the Albemarle Sound-Roanoke River basin area, including determination of the amount and geographical location of annual migration and spawning;

(B) investigation of factors responsible for the decline in the number of striped bass in the Albemarle Sound-Roanoke River basin area, including—

(i) analyses of the extent and causes of mortality of striped bass in the area at successive stages in the life cycle of striped bass, including mortality due to recreational and commercial fishing;

(ii) determination of the effects of pollution and other natural and human alterations of the physical environment on annual migration and spawning and on the viability and condition of eggs and larval fish in the area, including the effects of water withdrawals and discharges; and

(iii) description of the Albemarle Sound-Roanoke River basin area and an analysis of the direct, indirect, and cumulative effects of current and planned land and water use practices on the striped bass populations and habitats of the area;

(C) analyses of the status and effectiveness of current striped bass management measures implemented by State and Federal authorities; and

(D) recommendation of whether or not conservation of the Albemarle Sound-Roanoke River basin stocks of striped bass could be improved by inclusion of these stocks under the Interstate Fisheries Management Plan for Striped Bass.

(c) LEAD AGENCY.—The National Marine Fisheries Service shall be the lead agency for carrying out a study under this section.

(d) PARTICIPATION BY STATE OFFICIALS.—The Assistant Administrator—

(1) shall invite the Director of the North Carolina Division of Marine Fisheries and the Executive Director of the North Carolina Wildlife Resources Commission to participate in conducting the study and developing recommendations pursuant to subsection (b); and

(2) shall enter into a Memorandum of Understanding with the Director and such State officials which sets forth the respective responsibilities of the Assistant Administrator, the Director, and such State officials in conducting the study and developing those recommendations.

(e) CONSULTATION.—In carrying out the study under subsection (b), the Assistant Administrator and the Director shall, to the maximum extent practicable, consult with other Federal agencies, the Atlantic States Marine Fisheries Commission, the Policy Committee of the Albemarle-Pamlico Estuarine Study, affected local governments, and appropriate commercial and recreational fishing interests.

The Honorable Nicholas A. Vellotes.
The Honorable Robert F. Woodward.

HONORARY MEMBERS

The Honorable Charles Percy.
The Honorable William Fulbright.

MESSAGES FROM THE
PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES
REFERRED

As in executive session, the Presiding Officer laid before the Senate message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 328. An act to amend chapter 39 to title 31, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1579. An act to amend the Public Health Service Act to revise and extend the block grant program, and for other purposes.

The message further announced that the House insists upon its amendment to the amendment of the Senate to the bill (H.R. 1226) to amend the Federal Food, Drug, and Cosmetic Act to require the appointment of the Commissioner of Food and Drugs to be subject to Senate confirmation; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. LELAND, Mr. LENT, and Mr. MADIGAN as managers of the conference on the part of the House.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3932) to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1982. An act to authorize the establishment of the Lewis and Clark National Historic Site in the State of Montana;

H.R. 3313. An act to establish in the Department of the Interior the Heritage Preservation Commission, and for other purposes;

H.R. 4030. An act to strengthen certain fish and wildlife laws;

H.R. 4068. An act to amend the Archeological Resources Protection Act of 1979 to strengthen the enforcement provisions of that act, and for other purposes;

H.R. 4124. An act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes;

H.R. 4208. An act to authorize appropriations to carry out title III of the Marine Protection, Research, and Sanctuaries Act of 1972 during fiscal years 1989, 1990, 1991, and 1992;

H.R. 4457. An act to create a national park at Natchez, Mississippi;

H.R. 4519. An act to provide for the disposition of certain lands in Arizona under the jurisdiction of the Department of the Interior by means of an exchange of lands, and for other purposes; and

H.R. 4574. An act to amend title 5, United States Code, with respect to certain programs under which awards may be made to Federal employees for superior accomplishments or cost savings disclosures, and for other purposes.

At 2:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendments of the House to bill (S. 2385) to amend title III of the Public Health Service Act to revise and extend the programs of assistance for primary health care and the program of health services for the homeless, and for other purposes.

The message also announced that the House has passed the following bills, in which is requests that concurrence of the Senate:

H.R. 4310. An act to extend for an additional 5-year period certain provisions of title 17, United States Code, relating to the rental of sound recordings; and

H.R. 4410. An act to designate the Federal Building at Spring and High Streets in Columbus, Ohio, as the "John W. Bricker Building".

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 2385. An act to amend the Public Health Service Act to revise and extend the programs establishing migrant health centers and community health centers; and

H.R. 3811. An act to designate the Federal building located at 50 Spring Street, Southwest Atlanta, Georgia, as the "Martin Luther King, Jr. Federal Building".

The enrolled bills were subsequently signed by the President pro tempore [Mr. STENNIS].

ENROLLED BILLS SIGNED

At 3:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2213. An act to require certain telephones to be hearing aid compatible; and

H.R. 4726. An act to designate the United States Post Office Building located at 700 Main Street in Danville, Virginia, as the "Dan Daniel Post Office Building".

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1982. An act to authorize the establishment of the Lewis and Clark National Historic Site of Montana; to the Committee on Energy and Natural Resources.

H.R. 3313. An act to establish in the Department of the Interior the Heritage Preservation Commission, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4030. An act to strengthen certain fish and wildlife laws; to the Committee on Environment and Public Works.

H.R. 4068. An act to amend the Archeological Resources Protection Act of 1979 to strengthen the enforcement provisions of that act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4124. An act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4208. An act to authorize appropriations to carry out title III of the Marine Protection, Research, and Sanctuaries Act of 1972 during fiscal years 1989, 1990, 1991, and 1992; to the Committee on Commerce, Science, and Transportation.

H.R. 4410. An act to designate the Federal Building at Spring and High Streets in Columbus, Ohio, as the "John W. Bricker Building"; to the Committee on Environment and Public Works.

H.R. 4457. An act to create a national park at Natchez, Mississippi; to the Committee on Energy and Natural Resources.

H.R. 4519. An act to provide for the disposition of certain lands in Arizona under the jurisdiction of the Department of the Interior by means of an exchange of lands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4574. An act to amend title 5, United States Code, with respect to certain programs under which awards may be made to Federal employees for superior accomplishments or cost savings disclosures, and for other purposes; to the Committee on Governmental Affairs.

MEASURES PLACED ON THE
CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4310. An act to extend for an additional 5-year period certain provisions of title 17, United States Code, relating to the rental of sound recordings;

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 2, 1988, he had presented to the President of the

HOUSE OF REPRESENTATIVES—Friday, May 13, 1988

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. FOLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 13, 1988.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on this day.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Fill us, O God, with the beauty of this day, strengthen us with the power of Your loving spirit, forgive us with the fullness of Your grace and, O gracious Lord, cause Your presence to be with us and to remain with us all our days. For these and all Your gifts we offer this prayer of thanksgiving. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. AKAKA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLER of Washington) and to include extraneous matter:)

Mrs. MORELLA.

ADJOURNMENT

Mr. AKAKA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, May 17, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3616. A letter from the Acting Assistant Attorney General for Legislative and Intergovernmental Affairs, Department of Justice, transmitting a draft of proposed legislation entitled "The Anti-Public Corruption Act of 1988"; to the Committee on the Judiciary.

3617. A letter from the Director, Office of Management and Budget, transmitting a copy of the supplement to special analysis D, which provides projections of Federal investment spending and a review of recent public civilian investment needs assessments, pursuant to 31 U.S.C. 1105(a); jointly, to the Committees on Public Works and Transportation and Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL, Committee on Foreign Affairs. H.R. 3651. A bill to prohibit exports of military equipment to countries supporting international terrorism, and for other purposes; with an amendment (Rept. 100-623). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4210. A bill to reauthorize title II of the Marine Protection, Research and Sanctuaries Act of 1972, for fiscal years 1989 and 1990, and for other purposes (Rept. 100-624, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS (for himself and Mr. MRAZEK):

H.R. 4802. A bill to amend the Internal Revenue Code of 1986 to deny certain tax benefits in the case of buildings which are constructed near national park system land and which have a significant detrimental

impact on the public enjoyment of such land; to the Committee on Ways and Means.

By Mrs. MORELLA:

H.R. 4803. A bill to extend health insurance and survivor annuity benefits to certain former spouses of Federal employees who would not otherwise be eligible therefor, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SHARP:

H.R. 4804. A bill to extend the expiration date of title II of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

By Mr. DIOGUARDI (for himself and Mr. HOCHBRUECKNER):

H.J. Res. 569. Joint resolution designating June 12 through 18, 1988, as "Lyme Disease Awareness Week"; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4036: Mr. LEHMAN of Florida.

H.R. 4511: Mr. HUCKABY, Mr. EMERSON, Mr. ESPY, Mr. YOUNG of Alaska, Mr. MCCURDY, Mr. NICHOLS, Mr. WHITTAKER, Mr. TALLON, Mr. BOEHLERT, Mr. LANCASTER, Mr. STANGELAND, Mr. DERRICK, Mr. BAKER, Mr. TOWNS, Mrs. JOHNSON of Connecticut, Mr. JONTZ, and Mr. GRAY of Illinois.

H.R. 4516. Mr. PERKINS, Mr. GAYDOS, and Mr. GOODLING.

H.R. 4534 Mr. WEBER, Mr. HORTON, Mr. DORNAN of California, Mrs. COLLINS, Mr. LAGOMARSINO, Mr. RHODES, Mr. LEWIS of Florida, Mrs. VUCANOVICH, and Mr. OBEY.

H.J. Res. 353: Mr. ANDERSON, Mr. BOUCHER, Mr. OBERSTAR, Mr. SMITH of New Jersey, Mr. BATEMAN, Mr. WAXMAN, Mr. HENRY, Mr. STARK, Mr. BROWN of California, Mr. WELDON, Mr. LEWIS of California, and Mr. ASPIN.

H.J. Res. 474: Mr. BONIOR, Mr. HUTTO, Mrs. MEYERS of Kansas, Mr. PURSELL, Mr. WEBER, Mr. FRANK, Mr. KOSTMAYER, Mr. MAVROULES, Mr. MOODY, Mr. TRAFICANT, Mr. FISH, Mr. STANGELAND, Mr. DAVIS of Illinois, Mrs. BOXER, Mr. NOWAK, Mr. STENHOLM, Mr. HATCHER, Mr. KOLTER, Mr. BUSTAMANTE, Mr. FIELDS, Mr. LANTOS, Mr. PORTER, Mr. SCHUETTE, Mr. DONNELLY, Mr. HALL of Ohio, Mr. LOWERY of California, Mr. MCDABE, Mr. QUILLEN, Mr. RAVENEL, Mr. CLINGER, Mr. SUNIA, Mr. MARTIN of New York, Mr. WOLF, Mr. BLILEY, Mr. WYLIE, Mr. OBERSTAR, Mrs. KAPTUR, Mr. BEVILL, Mr. DONALD E. LUKENS, Mr. HOYER, Mr. MARKEY, Mr. STAGGERS, Mr. DURBIN, Mr. HAYES of Illinois, Mr. MCCOLLUM, Mr. MFUME, Mr. ROWLAND of Connecticut, Mr. RODINO, Mr. STALLINGS, Mr. SWINDALL, Mr. SCHEUER, Mr. ANDERSON, Mr. UDALL, Mr. EVANS, Mr. FRENZEL, Mr. TALLON, Mr. APPELGATE, and Mrs. KENNELLY.

H.J. Res. 476: Mr. DWYER of New Jersey, Mr. ANNUNZIO, Mr. HASTERT, Mr. TAUBE, Mr. CRAIG, Mrs. MORELLA, Mr. RHODES, Mr. HAMMERSCHMIDT, Mr. MC EWEN, Mr. JENKINS, Mr. FROST, Mr. BOLAND, and Mr. LEVIN of Michigan.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolution as follows:

H.R. 188: Mr. TAUZIN.
H.R. 719: Mr. PACKARD.
H.R. 1270: Mr. WISE, Mr. WYLIE, Mr. RICHARDSON, Mr. NICHOLS, Mr. ROWLAND of Georgia, Mr. MOAKLEY, and Mr. STARK.
H.R. 1990: Mr. HOLLOWAY, Mr. SOLOMON, Mr. HUTTO, and Mr. MCCOLLUM.
H.R. 2854: Mr. MACKAY and Mr. BONKER.
H.R. 3119: Mr. HAYES of Illinois.
H.R. 3133: Mr. ACKERMAN and Mr. HORTON.
H.R. 3241: Mrs. COLLINS.
H.R. 3382: Mr. DEWINE, Mr. SCHUETTE, and Mr. BARNARD.
H.R. 3900: Mr. BURTON of Indiana and Mr. RITTER.
H.R. 4132: Mr. FUSTER, Mr. ATKINS, Mr. CROCKETT, Mr. FORD of Michigan, and Mr. DOWNEY of New York.
H.R. 4208: Mr. PICKETT.
H.R. 4221: Mr. HARRIS.
H.R. 4250: Mr. McMILLEN of Maryland and Mr. ACKERMAN.
H.R. 4410: Mr. APPELEGATE.
H.R. 4420: Mr. EDWARDS of Oklahoma and Mr. CLINGER.
H.R. 4740: Mr. STARK.
H.J. Res. 103: Mr. MCCRERY.
H.J. Res. 364: Mr. GARCIA and Mr. FOGLIETTA.
H.J. Res. 458: Mr. FRANK, Mr. FOGLIETTA, Mr. GARCIA, Mr. WELDON, Mr. MARTINEZ, Mr. JOHNSON of South Dakota, Mr. MADIGAN, Mr. LUJAN, Mr. WILSON, Mr. ESPY, Mr.

CHAPPELL, Mr. BERMAN, Mrs. BOXER, Mr. LEVINE of California, and Mr. WOLPE.

H.J. Res. 485: Mrs. ROUKEMA.

H.J. Res. 529: Mr. MCCRERY.

H.J. Res. 572: Mrs. JOHNSON of Connecticut, Mr. FISH, Mr. SHAW, Mr. SAVAGE, Mr. ATKINS, Mr. KLECZKA, Mr. HORTON, Mr. CARR, Mr. DARDEN, Mr. DIXON, Mr. HENRY, Mr. GRAY of Pennsylvania, Mr. AKAKA, Mr. STAGGERS, Mr. HUGHES, Mr. DE LA GARZA, Mr. DYMALLY, Mr. ANDERSON, Mr. ESPY, Mr. BOUCHER, Mr. DOWDY of Mississippi, Mr. RAVENEL, Mrs. SAIKI, Mr. DERRICK, Mr. TALLON, Mr. RHODES, Mr. BATES, Mr. HOCHBRUECKER, Mr. FOGLIETTA, Mr. HARRIS, Mr. GUARINI, Mr. DEWINE, Mr. KASTENMEIER, Mr. HATCHER, Mr. WHITTEN, and Mr. MOODY.

H.J. Res. 576: Mr. ANTHONY, Mrs. BENTLEY, Mr. BILIRAKIS, Mrs. BOXER, Mr. BUNNING, Mr. COATS, Mrs. COLLINS, Mr. DE LA GARZA, Mr. EMERSON, Mr. FRANK, Mr. FROST, Mr. GRANT, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HENRY, Mr. JONES of Tennessee, Mr. KANJORSKI, Ms. KAPTUR, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEHMAN of California, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIPINSKI, Mrs. LLOYD, Mr. MCCLOSKEY, Mr. MACK, Mrs. MARTIN of Illinois, Mr. MATSUI, Mr. MILLER of Washington, Mr. MOAKLEY, Mr. MURTHA, Mr. NIELSON of Utah, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PURSELL, Mr. QUILLIN, Mr. ROE, Mr. ST GERMAIN, Mr. SCHUETTE, Mr. SKAGGS, Mr. TOWNS, Mr. WOLF, and Mr. WOLPE.

H.J. Res. 583: Mr. MCGRATH, Mr. ATKINS, Mr. RANGEL, and Mr. FOGLIETTA.

H.J. Res. 590: Mr. TORRICELLI, Mrs. BENTLEY, Mr. LANTOS, Mr. MRAZEK, Mr. DANNEMEYER, Mr. HUNTER, Mr. OWENS of New

York, Mr. SHAW, Ms. SNOWE, Mr. ROBINSON, and Mr. VENTO.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

185. By the SPEAKER: Petition of the Disabled American Veterans, Honolulu, HI, relative to establishing a veterans hospital in Hawaii; to the Committee on Veterans' Affairs.

186. Petition of the vice president, American Foreign Service Association, Washington, DC, relative to the comments of the association on the Secretary of State's report to Congress required by section 2402 of the Foreign Service Act of 1980; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4800

By Mr. OBERSTAR:

—Page 19, line 5, strike "\$727,500,000, to remain available until September 30, 1990:" and insert the following: "\$752,500,000, to remain available until September 30, 1990, of which not less than \$25,000,000 shall be available only to carry out section 319 of the Federal Water Pollution Control Act:"

—Page 21, line 19, strike "1,950,000,000," and insert "\$1,925,000,000,".

the Republic of Chad, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3890. A letter from the Inspector General, U.S. Department of Labor transmitting notice of a computer matching program between a sample of Job Training Partnership Act participants and Department of Education Pell Grants, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3891. A letter from the Librarian of Congress, transmitting the report of the activities of the Library of Congress, including the Copyright Office, for the fiscal year ending September 30, 1987; accompanied by a copy of the annual report of the Library of Congress Trust Fund Board, pursuant to 2 U.S.C. 139; 2 U.S.C. 163; to the Committee on House Administration.

3892. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's semiannual report on the effectiveness of the Civil Aviation Security Program for the period July 1 through December 31, 1987, pursuant to 49 U.S.C. app. 1356(a); to the Committee on Public Works and Transportation.

3893. A letter from the Secretary of the Treasury, transmitting a report on certain employee benefits not subject to Federal income tax, pursuant to Public Law 98-611, section 1(h)(2) (98 Stat. 3179); to the Committee on Ways and Means.

3894. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to convert nonphysician directors appointed under section 4103(a)(8) of title 38, United States Code, to Senior Executive Service career appointees; jointly, to the Committees on Veterans' Affairs and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPEN: Committee on Armed Services. H.R. 4481. A bill to provide for the closing and realigning of certain military installations during a certain period; with an amendment (Rept. 100-735, Pt. 1). Ordered to be printed.

Mr. LAFALCE: Committee on Small Business. A report on new economic realities: the rise of women entrepreneurs. (Rept. 100-736). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 485. A resolution waiving certain points of order against consideration of H.R. 4867, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes. (Rept. 100-737). Referred to the House Calendar.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4200. A bill to authorize appropriations for fiscal year 1989 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission; with an amendment (Rept. 100-736). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BROOKS: Committee on Government Operations. H.R. 4481. A bill to provide for the closing and realigning of certain military installations during a certain period, with an amendment; referred to the Committee on Rules for a period ending not later than July 6, 1988, for consideration of those portions of the amendments reported by the Committees on Armed Services and Government Operations as fall within the jurisdiction of that committee pursuant to clause 1(q), rule X. (Report No. 100-735, Pt. 2). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4208. A bill to authorize appropriations to carry out title III of the Marine Protection, Research, and Sanctuaries Act of 1972 during fiscal years 1989, 1990, 1991, and 1992; with an amendment, referred to the Committee on Interior and Insular Affairs for a period ending not later than July 1, 1988, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(i), rule X. (Report No. 100-739, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS (for himself and Mr. EDWARDS of California):

H.R. 4920. A bill to amend chapter 96 of title 18, United States Code, relating to racketeer influenced and corrupt organizations, to restructure the civil claims procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. BILBRAY:

H.R. 4921. A bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the U.S. Government from attempting to influence the U.S. Government while representing or advising a foreign entity for 5 years after such officer or employee leaves Government service, and for other purposes; to the Committee on the Judiciary.

By Mr. BILBRAY (for himself and Mrs. VUCANOVICH):

H.R. 4922. A bill to direct the Secretary of the Interior to transfer a certain parcel of land in Clark County, NV; to the Committee on the Interior and Insular Affairs.

By Mr. BOUCHER:

H.R. 4923. A bill to amend chapter 96 (relating to racketeer influenced and corrupt organizations) of title 18, United States Code; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.R. 4924. A bill to encourage the rendering of emergency medical care on certain commercial aircraft by relieving licensed physicians of liability for the provision of such care; to the Committee on the Judiciary.

H.R. 4925. A bill to establish a College Savings Bond Program and to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from certain savings bonds

the proceeds of which are used to pay certain postsecondary educational expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. BUSTAMANTE (for himself, Mr. FROST, Mr. BROOKS, Mr. DE LA GARZA, Mr. CHAPMAN, Mr. WILSON, Mr. BARTLETT, Mr. HALL of Texas, Mr. ARCHER, Mr. FIELDS, Mr. PICKLE, Mr. COLEMAN of Texas, Mr. STENHOLM, Mr. LELAND, Mr. SMITH of Texas, Mr. DELAY, Mr. ANDREWS, Mr. ORTIZ, Mr. BOULTER, Mr. LEATH of Texas, Mr. SWEENEY, and Mr. BRYANT):

H.R. 4926. A bill to establish the Amistad National Recreation Area in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. MADIGAN, and Mr. WYDEN):

H.R. 4927. A bill to amend the Public Health Service Act to revise the authority for the regulation of clinical laboratories and for other purposes; to the Committee on Energy and Commerce.

H.R. 4928. A bill to amend titles XVIII and XIX of the Social Security Act with respect to clinical diagnostic laboratory tests under the Medicare and Medicaid Programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HUNTER (for himself, Mr. MADIGAN, Mr. SCHUETTE, Mr. LOTT, Mr. MACK, Mr. MCCOLLUM, Mr. SWINDALL, and Mr. DAVIS of Illinois):

H.R. 4929. A bill to amend the Internal Revenue Code of 1986 to allow an annual \$10,000 deduction for individuals who care for a Medicare eligible, chronically ill family member in their home and to allow individuals a deduction for long-term care insurance premiums; to the Committee on Ways and Means.

By Mr. LUJAN (for himself and Mr. RICHARDSON):

H.R. 4930. A bill to establish the Petroglyph National Monument in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MARLENEE (for himself, Mr. GRANDY, Mr. SCHUETTE, Mr. HOPKINS, Mr. THOMAS of Georgia, Mr. EMERSON, Mr. DARDEN, Mr. TALLON, Mr. ROBERT F. SMITH, and Mrs. SMITH of Nebraska):

H.R. 4931. A bill to provide emergency disaster relief to farm and ranch producers who have suffered extraordinary losses due to drought, excessive heat, hail, flooding, or excessive moisture, and for other purposes; to the Committee on Agriculture.

By Mr. ORTIZ:

H.R. 4932. A bill to amend title 28, United States Code, and the Tariff Act of 1930 to provide amounts from the Department of Justice assets forfeiture fund and the Customs forfeiture fund to assist State and local governments in providing for construction, expansion, maintenance, and operation of penal facilities, and for other purposes; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. PETRI:

H.R. 4933. A bill to amend the Internal Revenue Code of 1986 to reduce the occupational tax on small retail dealers in liquors and beer by providing that the amount of such tax shall be based on gross receipts from the sale of distilled spirits, wines, and beer; to the Committee on Ways and Means.

**APPOINTMENT OF CONFEREES
ON H.R. 3235, HEALTH MAINTENANCE
ORGANIZATION
AMENDMENTS OF 1987**

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3235) to amend the Public Health Service Act and to revise the program of assistance for Health Maintenance Organizations, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. DINGELL, WAXMAN, WYDEN, LENT, and MADIGAN.

**RESIGNATION AS MEMBER OF
COMMITTEE ON PUBLIC
WORKS AND TRANSPORTATION
AND AS MEMBER OF
COMMITTEE ON VETERANS'
AFFAIRS**

The SPEAKER laid before the House the following resignation as a member of the Committee on Public Works and Transportation and as a Member of the Committee on Veterans Affairs:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 1988.
Hon. JIM WRIGHT, Jr.,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: After twenty-four years, it is with deep regret that I tender my resignation from the House Committee on Public Works and Transportation and the House Committee on Veterans Affairs effective immediately.

Sincerely yours,

KENNETH J. GRAY,
U.S. Congressman.

The SPEAKER. Without objection, the resignations are accepted.
There was no objection.

**RESIGNATION AS MEMBER OF
THE SELECT COMMITTEE ON
AGING AND ITS SUBCOMMITTEE
ON HEALTH AND LONG-
TERM CARE**

The SPEAKER laid before the House the following resignation as a member of the Select Committee on Aging and its Subcommittee on Health and Long-Term Care:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 1988.
Hon. JIM WRIGHT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: I respectfully submit my resignation from the Select Committee on Aging, and its Subcommittee on Health and Long Term Care, effective on October 3rd, 1988.

As always, if there is anything I can do for you, please don't hesitate to contact me.

With kind regards,
Sincerely,

DANIEL A. MICA,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.
There was no objection.

**APPOINTMENT AS MEMBER OF
SELECT COMMITTEE ON AGING**

The SPEAKER. Pursuant to clause 6 (f) and (l) of rule X, the Chair appoints to the Select Committee on Aging the gentleman from Illinois, (Mr. COSTELLO), to fill the existing vacancy thereon.

**MARINE PROTECTION, RESEARCH, AND SANCTUARIES
ACT OF 1972 AUTHORIZATION
FOR FISCAL YEARS 1989 AND
1990**

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4210) to reauthorize title II of the Marine Protection, Research, and Sanctuaries Act of 1972, for fiscal years 1989 and 1990, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**TITLE I—COMPREHENSIVE OCEAN DUMPING
RESEARCH PROGRAM AMENDMENTS
AND AUTHORIZATION**

SEC. 101. RESEARCH TO BE CONSISTENT WITH COMPREHENSIVE PLAN.

Subsection (a) of section 202 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1442(a)) is amended by adding at the end the following:

"(3) The Secretary of Commerce shall ensure that the comprehensive and continuing research program conducted under this subsection is consistent with the comprehensive plan for ocean pollution research and development and monitoring prepared under section 4 of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1703)."

SEC. 102. ANNUAL REPORT.

Section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1444) is amended by adding at the end the following:

"(c) On October 31 of each year, the Under Secretary shall report to the Congress the specific programs that the National Oceanic and Atmospheric Administration and the Environmental Protection Agency carried out pursuant to this title in the previous fiscal year, specifically listing the amount of funds allocated to those specific programs in the previous fiscal year."

SEC. 103. AUTHORIZATION.

Section 205 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1445) is amended—

(1) by striking "and" immediately following "fiscal year 1988," and
(2) by striking "1987," and inserting in lieu thereof "1987, not to exceed \$13,500,000 for fiscal year 1989, and not to exceed \$14,500,000 for fiscal year 1990."

**TITLE II—NATIONAL MARINE SANCTUARIES
PROGRAM AMENDMENTS AND AUTHORIZATION**

SEC. 201. DEFINITION OF ACT.

For purposes of this title, the term "Act" means title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431-1439).

SEC. 202. SANCTUARY DESIGNATION PROCEDURE AMENDMENTS.

Paragraph (1) of section 304(b) of the Act (16 U.S.C. 1434(b)(1)) is amended by inserting after the second sentence the following: "The Secretary shall issue a notice of designation with respect to a proposed national marine sanctuary site not later than 30 months after the date a notice declaring the site to be an active candidate for sanctuary designation is published in the Federal Register under regulations issued under this Act, or shall publish not later than such date in the Federal Register findings regarding why such notice has not been published."

SEC. 203. PROMOTION AND COORDINATION OF RESEARCH; SPECIAL USE PERMITS; USE OF DONATIONS.

The Act is amended—

(1) by striking section 308;
(2) by redesignating section 309 as section 308; and
(3) by adding at the end the following:

"SEC. 309. PROMOTION AND COORDINATION OF RESEARCH.

"The Secretary shall take such action as is necessary to promote and coordinate the use of national marine sanctuaries for research purposes, including—

"(1) requiring that the National Oceanic and Atmospheric Administration, in conducting or supporting marine research, give priority to research involving national marine sanctuaries; and

"(2) consulting with other Federal and State agencies to promote use by such agencies of one or more sanctuaries for marine research.

"SEC. 310. SPECIAL USE PERMITS.

"(a) **ISSUANCE OF PERMITS.**—The Secretary may issue special use permits which authorize the conduct of specific activities in a national marine sanctuary if the Secretary determines such authorization is necessary—

"(1) to establish conditions of access to and use of any sanctuary resource; or
"(2) to promote public use and understanding of a sanctuary resource.

"(b) **PERMIT TERMS.**—A permit issued under this section—

"(1) shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources;

"(2) shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretary;

"(3) shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and

"(4) shall require the permittee to purchase and maintain comprehensive general liability insurance against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims.

"(c) FEES.—

"(1) **ASSESSMENT AND COLLECTION.**—The Secretary may assess and collect fees for the conduct of any activity under a permit issued under this section.

"(2) AMOUNT.—The amount of a fee under this subsection shall be equal to the sum of—

"(A) costs incurred, or expected to be incurred, by the Secretary in issuing the permit;

"(B) costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity; and

"(C) an amount which represents the fair market value of the use of the sanctuary resource and a reasonable return to the United States Government.

"(3) USE OF FEES.—Amounts collected by the Secretary in the form of fees under this section may be used by the Secretary—

"(A) for issuing and administering permits under this section; and

"(B) for expenses of designating and managing national marine sanctuaries.

"(d) VIOLATIONS.—Upon violation of a term or condition of a permit issued under this section, the Secretary may—

"(1) suspend or revoke the permit without compensation to the permittee and without liability to the United States;

"(2) assess a civil penalty in accordance with section 307; or

"(3) both.

"(e) REPORTS.—Each person issued a permit under this section shall submit an annual report to the Secretary not later than December 31 of each year which describes activities conducted under that permit and revenues derived from such activities during the year.

"(f) FISHING.—Nothing in this section shall be considered to require a person to obtain a permit under this section for the conduct of any fishing activities in a national marine sanctuary.

SEC. 311. COOPERATIVE AGREEMENTS AND DONATIONS.

"(a) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with any nonprofit organization—

"(1) to aid and promote interpretive, historical, scientific, and educational activities; and

"(2) for the solicitation of private donations for the support of such activities.

"(b) DONATIONS.—The Secretary may accept donations of funds, property, and services for use in designating and administering national marine sanctuaries under this title."

SEC. 204. DESTRUCTION OR LOSS OF, OR INJURY TO, SANCTUARY RESOURCES.

"(a) LIABILITY FOR DESTRUCTION OR LOSS OF, OR INJURY TO, SANCTUARY RESOURCES.—The Act is amended by adding at the end the following:

"SEC. 312. DESTRUCTION OR LOSS OF, OR INJURY TO, SANCTUARY RESOURCES.

"(a) LIABILITY.—

"(1) IN GENERAL.—Subject to paragraph (3), any person who destroys, causes the loss of, or injures any sanctuary resource is liable to the United States for response costs and damages resulting from such destruction, loss, or injury.

"(2) LIABILITY IN REM.—Any vessel used to destroy, cause the loss of, or injure any sanctuary resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury.

"(3) DEFENSES.—A person is not liable under this subsection if that person establishes that—

"(A) the destruction or loss of, or injury to, the sanctuary resource was caused solely

by an act of God, an act of war, or an act of omission of a third party, and the person acted with due care;

"(B) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or

"(C) the destruction, loss, or injury was negligible.

"(b) RESPONSE ACTIONS AND DAMAGE ASSESSMENT.—

"(1) RESPONSE ACTIONS.—The Secretary may undertake all necessary actions to prevent or minimize the destruction or loss of, or injury to, sanctuary resources, or to minimize the imminent risk of such destruction, loss, or injury.

"(2) DAMAGE ASSESSMENT.—The Secretary shall assess damages to sanctuary resources in accordance with section 302(6).

"(c) CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.—The Attorney General, upon request of the Secretary, may commence a civil action in the United States district court for the appropriate district against any person or vessel who may be liable under subsection (a) for response costs and damages. The Secretary, acting as trustee for sanctuary resources for the United States, shall submit a request for such an action to the Attorney General whenever a person may be liable for such costs or damages.

"(d) USE OF RECOVERED AMOUNTS.—Response costs and damages recovered by the Secretary under this section and civil penalties under section 307 shall be retained by the Secretary in the manner provided for in section 107(f)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9607(f)(1)), and used as follows:

"(1) RESPONSE COSTS AND DAMAGE ASSESSMENTS.—Twenty percent of amounts recovered under this section, up to a maximum balance of \$750,000, shall be used to finance response actions and damage assessments by the Secretary.

"(2) RESTORATION, REPLACEMENT, MANAGEMENT, AND IMPROVEMENT.—Amounts remaining after the operation of paragraph (1) shall be used, in order of priority—

"(A) to restore, replace, or acquire the equivalent of the sanctuary resources which were the subject of the action;

"(B) to manage and improve the national marine sanctuary within which are located the sanctuary resources which were the subject of the action; and

"(C) to manage and improve any other national marine sanctuary.

"(3) USE OF CIVIL PENALTIES.—Amounts recovered under section 307 in the form of civil penalties shall be used by the Secretary in accordance with section 307(e) and paragraphs (2)(B) and (C) of this subsection.

"(4) FEDERAL-STATE COORDINATION.—Amounts recovered under this section with respect to sanctuary resources lying within the jurisdiction of a State shall be used under paragraphs (2)(A) and (B) in accordance with an agreement entered into by the Secretary and the Governor of that State."

"(b) DAMAGES, RESPONSE COSTS, AND SANCTUARY RESOURCE DEFINED.—Section 302 of the Act (16 U.S.C. 1432) is amended—

"(1) by striking "and" at the end of paragraph (4);

"(2) by striking the period in paragraph (5)

and inserting "; and"; and

"(3) by adding at the end the following:

"(6) 'damages' includes—

"(A) compensation for—

"(i)(I) the cost of replacing, restoring, or acquiring the equivalent of a sanctuary resource; and

"(II) the value of the lost use of a sanctuary resource pending its restoration or replacement or the acquisition of an equivalent sanctuary resource; or

"(i) the value of a sanctuary resource if the sanctuary resource cannot be restored or replaced or if the equivalent of such resource cannot be acquired; and

"(B) the cost of damage assessments under section 312(b)(2);

"(7) 'response costs' means the costs of actions taken by the Secretary to minimize destruction or loss of, or injury to, sanctuary resources, or to minimize the imminent risks of such destruction, loss, or injury; and

"(8) 'sanctuary resource' means any living or nonliving resource of a national marine sanctuary that contributes to the conservation, recreational, ecological, historical, research, educational, or aesthetic value of the sanctuary."

"(c) EFFECTIVE DATE.—Amounts in the form of damages received by the United States after November 30, 1986, for destruction or loss of, or injury to, a sanctuary resource (as that term is defined in section 302(8) of the Act (as amended by this Act)) shall be subject to section 312 of the Act (as amended by this Act).

SEC. 205. ACTIONS WITH RESPECT TO NEW SANCTUARIES.

"(a) ISSUANCE OF NOTICE OF DESIGNATION.—The Secretary of Commerce shall issue a notice of designation under section 304(b)(1) of the Act (16 U.S.C. 1434(b)(1))—

"(1) with respect to the proposed Cordell Banks National Marine Sanctuary as generally described in the Federal Register notice of June 30, 1983, not later than December 31, 1988;

"(2) with respect to the Flower Garden Banks National Marine Sanctuary as generally described in the Federal Register notice of August 2, 1984, not later than March 31, 1989;

"(3) with respect to the Monterey Bay National Marine Sanctuary as generally described in the Federal Register notice of December 31, 1979, not later than December 31, 1989; and

"(4) with respect to the Western Washington Outer Coast National Marine Sanctuary as generally described in the Federal Register notice of August 4, 1983, not later than June 30, 1990.

"(b) SUBMISSION OF PROSPECTUSES.—The Secretary of Commerce shall submit a prospectus under section 304(a)(1)(C) of the Act (16 U.S.C. 1434(a)(1)(C)) to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate—

"(1) with respect to the Stellwagen Bank National Marine Sanctuary, as generally described in the Federal Register notice of August 4, 1983, not later than September 30, 1990; and

"(2) with respect to the Northern Puget Sound National Marine Sanctuary, as generally described as the Washington State Nearshore area in the Federal Register notice of August 4, 1983, not later than March 31, 1991.

SEC. 206. STUDY OF AREAS FOR DESIGNATION AS OR INCLUSION IN NATIONAL MARINE SANCTUARIES.

"(a) STUDY.—

"(1) IN GENERAL.—The Secretary of Commerce shall conduct a study of the areas described in subsection (c) for purposes of making determinations and findings in ac-

cordance with section 303(a) of the Act (16 U.S.C. 1433(a))—

(A) regarding whether or not all or any part of such areas are appropriate for designation as national marine sanctuaries in accordance with the Act; and

(B) regarding whether or not all or any part of the areas described in subsection (c)(1), (2), and (3) should be added to and administered as part of the Key Largo National Marine Sanctuary or the Looe Key National Marine Sanctuary.

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary of Commerce shall submit a report to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate which sets forth the determinations and findings referred to in paragraph (1).

(b) **DESIGNATION OR EXPANSION OF MARINE SANCTUARIES.**—If as a result of a study conducted pursuant to subsection (a) the Secretary of Commerce makes the determinations and findings set forth in section 303(a) of the Act (16 U.S.C. 1433(a)) with respect to all or any part of the areas described in subsection (c), the Secretary of Commerce, in accordance with the procedures for the designation of national marine sanctuaries set forth in section 304 of the Act (16 U.S.C. 1434)—

(1) shall designate such areas or parts of such areas as national marine sanctuaries; or

(2) shall, with respect to all or any part of the areas described in subsections (c) (1), (2), and (3), add such areas or parts of such areas to the Key Largo National Marine Sanctuary or the Looe Key National Marine Sanctuary;

as the Secretary of Commerce considers appropriate.

(c) **AREAS DESCRIBED.**—The areas referred to in subsections (a) and (b) are the following:

(1) **AMERICAN SHOAL.**—The portion of the marine environment in the Florida Keys in the vicinity of American Shoal, including the part of such environment located generally between such shoal and the Marquesas Keys.

(2) **SOMBRERO KEY.**—The portion of the marine environment in the Florida Keys in the vicinity of and surrounding Sombrero Key.

(3) **ALLIGATOR REEF.**—The portion of the marine environment in the Florida Keys in the vicinity of and surrounding Alligator Reef, including the portion located generally between such reef and the Key Largo National Marine Sanctuary.

(4) **SANTA MONICA BAY.**—The portion of the marine environment off the coast of California commonly referred to as Santa Monica Bay, consisting of an area described generally as follows: Beginning at the point known as Point Dume near the western extent of Santa Monica Bay, proceed generally south-east along the shoreline to the point known as Point Vicente near the southern extent of Santa Monica Bay; then west to the 900 meter bathymetric contour; then generally northwest along the 900 meter bathymetric contour to a point due west of Point Dume; then east to Point Dume at the point of beginning.

(d) **DEFINITION OF MARINE ENVIRONMENT.**—For the purposes of this section, the term "marine environment" has the meaning such term has in section 302(3) of the Act (16 U.S.C. 1432(b)).

SEC. 207. ENFORCEMENT AMENDMENTS.

Section 307 of the Act (16 U.S.C. 1437) is amended to read as follows:

"SEC. 307. ENFORCEMENT.

"(a) **IN GENERAL.**—The Secretary shall conduct such enforcement activities as are necessary and reasonable to carry out this title.

"(b) **POWERS OF AUTHORIZED OFFICERS.**—Any person who is authorized to enforce this title may—

"(1) board, search, inspect, and seize any vessel suspected of being used to violate this title or any regulation or permit issued under this title and any equipment, stores, and cargo of such vessel;

"(2) seize wherever found any sanctuary resource taken or retained in violation of this title or any regulation or permit issued under this title;

"(3) seize any evidence of a violation of this title or of any regulation or permit issued under this title;

"(4) execute any warrant or other process issued by any court of competent jurisdiction; and

"(5) exercise any other lawful authority.

"(c) **CIVIL PENALTIES.**—

"(1) **CIVIL PENALTY.**—Any person subject to the jurisdiction of the United States who violates this title or any regulation or permit issued under this title shall be liable to the United States for a civil penalty of not more than \$50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(2) **NOTICE.**—No penalty shall be assessed under this subsection until after the person charged has been given notice and an opportunity for a hearing.

"(3) **IN REM JURISDICTION.**—A vessel used in violating this title or any regulation or permit issued under this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction.

"(4) **REVIEW OF CIVIL PENALTY.**—Any person against whom a civil penalty is assessed under this subsection may obtain review in the United States district court for the appropriate district by filing a complaint in such court not later than 30 days after the date of such order.

"(5) **COLLECTION OF PENALTIES.**—If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

"(6) **COMPROMISE OR OTHER ACTION BY SECRETARY.**—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is or may be imposed under this section.

"(d) **FORFEITURE.**—

"(1) **IN GENERAL.**—Any vessel (including the vessel's equipment, stores, and cargo) and other item used, and any sanctuary resource taken or retained, in any manner, in connection with or as a result of any violation of this title or of any regulation or permit issued under this title shall be subject to forfeiture to the United States pursuant to a civil proceeding under this subsection.

"(2) **APPLICATION OF THE CUSTOMS LAWS.**—The Secretary may exercise the authority of any United States official granted by any relevant customs law relating to the seizure, forfeiture, condemnation, disposition, remission, and mitigation of property in enforcing this title.

"(3) **DISPOSAL OF SANCTUARY RESOURCES.**—Any sanctuary resource seized pursuant to this title may be disposed of pursuant to an order of the appropriate court, or, if perishable, in a manner prescribed by regulations promulgated by the Secretary. Any proceeds from the sale of such sanctuary resource shall for all purposes represent the sanctuary resource so disposed of in any subsequent legal proceedings.

"(4) **PRESUMPTION.**—For the purposes of this section there is a rebuttable presumption that all sanctuary resources found on board a vessel that is used or seized in connection with a violation of this title or of any regulation or permit issued under this title were taken or retained in violation of this title or of a regulation or permit issued under this title.

"(e) **PAYMENT OF STORAGE, CARE, AND OTHER COSTS.**—

"(1) **IN GENERAL.**—Notwithstanding any other law, the Secretary may use amounts received under this section in the form of civil penalties, forfeitures of property, and costs imposed under paragraph (2) to pay—

"(A) the reasonable and necessary costs incurred by the Secretary in providing temporary storage, care, and maintenance of any sanctuary resource or other property seized under this section pending disposition of any civil proceeding relating to any alleged violation with respect to which such property or sanctuary resource was seized; and

"(B) a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or of any regulation or permit issued under this title.

"(2) **LIABILITY FOR COSTS.**—Any person assessed a civil penalty for a violation of this title or of any regulation or permit issued under this title, and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any sanctuary resource or other property seized in connection with the violation.

"(f) **SUBPOENAS.**—In the case of any hearing under this section which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths.

"(g) **USE OF RESOURCES OF STATE AND OTHER FEDERAL AGENCIES.**—The Secretary shall, whenever appropriate, use by agreement the personnel, services, and facilities of State and other Federal departments, agencies, and instrumentalities, on a reimbursable or nonreimbursable basis, to carry out the Secretary's responsibilities under this section.

"(h) **COAST GUARD AUTHORITY NOT LIMITED.**—Nothing in this section shall be considered to limit the authority of the Coast Guard to enforce this or any other Federal law under section 89 of title 14, United States Code.

"(i) **INJUNCTIVE RELIEF.**—If the Secretary determines that there is an imminent risk of destruction or loss of or injury to a sanctu-

ary resource, or that there has been actual destruction or loss of, or injury to, a sanctuary resource which may give rise to liability under section 312, the Attorney General, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the sanctuary resource, or both. The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require."

SEC. 308. AUTHORIZATION OF APPROPRIATIONS: U.S.S. MONITOR ARTIFACTS AND MATERIALS.

The Act is amended by adding at the end the following:

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this title the following:

"(1) **GENERAL ADMINISTRATION.**—For general administration of this title—

"(A) \$1,800,000 for fiscal year 1989;

"(B) \$1,900,000 for fiscal year 1990;

"(C) \$2,000,000 for fiscal year 1991; and

"(D) \$2,100,000 for fiscal year 1992.

"(2) **MANAGEMENT OF SANCTUARIES.**—For management of national marine sanctuaries designated under this title—

"(A) \$2,000,000 for fiscal year 1989;

"(B) \$2,500,000 for fiscal year 1990;

"(C) \$3,000,000 for fiscal year 1991; and

"(D) \$3,250,000 for fiscal year 1992.

"(3) **SITE REVIEW AND ANALYSIS.**—For review and analysis of sites for designation under this title as national marine sanctuaries—

"(A) \$450,000 for fiscal year 1989;

"(B) \$500,000 for fiscal year 1990;

"(C) \$550,000 for fiscal year 1991; and

"(D) \$600,000 for fiscal year 1992.

"SEC. 314. U.S.S. MONITOR ARTIFACTS AND MATERIALS.

"(a) **CONGRESSIONAL POLICY.**—In recognition of the historical significance of the wreck of the United States ship Monitor to coastal North Carolina and to the area off the coast of North Carolina known as the Graveyard of the Atlantic, the Congress directs that a suitable display of artifacts and materials from the United States ship Monitor be maintained permanently at an appropriate site in coastal North Carolina.

"(b) **INTERPRETATION AND DISPLAY OF ARTIFACTS.**—

"(1) **SUBMISSION OF PLAN.**—The Secretary shall, within six months after the date of the enactment of this section, submit to the Committee on Merchant Marine and Fisheries of the House of Representatives a plan for a suitable display in coastal North Carolina of artifacts and materials of the United States ship Monitor.

"(2) **CONTENTS OF PLAN.**—The plan submitted under subsection (a) shall, at a minimum, contain—

"(A) an identification of appropriate sites in coastal North Carolina, either existing or proposed, for display of artifacts and materials of the United States ship Monitor;

"(B) an identification of suitable artifacts and materials, including artifacts recovered or proposed for recovery, for display in coastal North Carolina;

"(C) an interpretive plan for the artifacts and materials which focuses on the sinking, discovery, and subsequent management of the wreck of the United States ship Monitor; and

"(D) a draft cooperative agreement with the State of North Carolina to implement the plan.

"(c) **DISCLAIMER.**—This section shall not affect the following:

"(1) **RESPONSIBILITIES OF SECRETARY.**—The responsibilities of the Secretary to provide for the protection, conservation, and display of artifacts and materials from the United States ship Monitor.

"(2) **AUTHORITY OF SECRETARY.**—The authority of the Secretary to designate the Mariner's Museum, located at Newport News, Virginia, as the principal museum for coordination of activities referred to in paragraph (1)."

SEC. 309. CHANNEL ISLANDS NATIONAL MARINE SANCTUARY PROTECTION.

(a) **REPORT.**—The Secretary of Transportation, not later than 6 months after the date of the enactment of this Act, shall transmit to Congress—

(1) the provisions of international conventions and United States laws and regulations which reduce the risk of a vessel collision or incident resulting in damage to the environment in the Channel Islands National Marine Sanctuary;

(2) the provisions of the National Contingency Plan for removal of oil and hazardous substances prepared under section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) which enable the Secretary to effectively respond to an oil pollution incident in or affecting the Channel Islands National Marine Sanctuary;

(3) a list of pollution exercises conducted under that National Contingency Plan in the Santa Barbara Channel before the date of the enactment of this Act, and a schedule of pollution exercises scheduled to be conducted under that plan in that channel during the 12 months following the date of the enactment of this Act; and

(4) a report on the establishment—

(A) under the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) of safety fairways off the coast of California; and

(B) of the Long Beach NAVTEX in Long Beach, California.

(b) **STUDY REVIEW AND REPORT.**—The Secretary of Transportation shall review all Federal, State, and local studies conducted on the hazards of shipping operations and the risks those operations pose to the environment and natural resources of the Channel Islands National Marine Sanctuary, and report to the Congress not later than 6 months after the date of the enactment of this Act on the status and recommendations of each of those studies. The Secretary shall include in the report a recommendation on whether an alternate vessel traffic separation scheme would reduce the risks of shipping operations to the environment and natural resources in the Channel Islands National Marine Sanctuary.

(c) **PROPOSAL OF DESIGNATION OF AREA TO BE AVOIDED.**—The Secretary of Transportation shall prepare and submit a proposal to the International Maritime Organization to designate the portion of the Channel Islands National Marine Sanctuary which is outside of the Santa Barbara Channel Traffic Separation Scheme, as an area to be avoided. The Secretary shall ensure that the proposal would not result in undue interference with international vessel traffic in the Santa Barbara Channel, with operations associated with the United States Navy Pacific Missile Test Range, or with enjoyment of the Channel Islands National Marine Sanctuary under title III of the National Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

SEC. 210. REGULATIONS.

Not later than one year after the date of the enactment of this Act, the Secretary of Commerce—

(1) shall propose regulations implementing the amendments made by this title; and

(2) shall issue final regulations implementing the amendments made by the Marine Sanctuaries Amendments of 1984.

TITLE III—NATIONAL OCEANS POLICY COMMISSION.

SEC. 301. SHORT TITLE.

This title may be cited as the "National Oceans Policy Commission Act of 1988."

SEC. 302. FINDINGS.

The Congress finds that—

(1) the manner in which the oceans and the Great Lakes are used affects the national security, transportation needs, economy, food resources, energy and raw materials needs, international leadership, and the quality of the environment of the people of the United States;

(2) Presidential Proclamation 5030 of March 10, 1983, which established the Exclusive Economic Zone of the United States of America and proclaimed the sovereign rights of the United States over ocean resources out to 200 nautical miles from the coastline of the United States, requires the development and implementation of a comprehensive exploration and monitoring plan to adequately address the conservation and development of the zone;

(3) the work of the Commission of Marine Science, Engineering, and Resources (known as the "Stratton Commission") in the 1960's was instrumental in initially defining the structure of United States oceans policy, and led to the enactment of major ocean-related legislation and the establishing of key oceanic and atmospheric institutions;

(4) recent concern regarding expanding Federal expenditures has resulted in the retrenchment of many ocean initiatives of the 1970's and, as a result, the complexion of United States ocean programs has changed significantly; and

(5) with Federal fiscal resources expected to be severely limited at least to the end of the century, a reexamination of the Nation's oceans, Great Lakes, and atmospheric activities is needed, and a new coordinated and comprehensive national oceans policy, based on that reexamination, must be developed in order that wise use of the oceans and the Great Lakes can be implemented in a peaceful and balanced fashion.

SEC. 303. PURPOSE.

The purpose of this Act is to establish a commission to propose to the Congress and the President a comprehensive oceans policy (and develop recommendations for the implementation of that policy) that will assist the Congress and the President in—

(1) developing domestic policies and laws to promote the wise use and conservation of marine resources, including Great Lakes resources;

(2) developing international policies and laws to promote the peaceful uses of the oceans and balance the interests of all nations;

(3) promoting United States leadership in marine scientific research, facilities, and technology;

(4) developing the role and capacity of the United States in the monitoring and prediction of global oceanic and atmospheric processes; and

(5) appropriately allocating the responsibilities for marine and atmospheric re-

search and marine resource understanding, conservation, management, and development among the various levels of government and the private sector and promoting the efficient use of limited fiscal resources for such activities.

SEC. 304. ESTABLISHMENT OF COMMISSION.

(a) **IN GENERAL.**—There is established a commission to be known as the National Oceans Policy Commission (hereinafter referred to in this Act as the "Commission").

(b) **NUMBER OF MEMBERS.**—The Commission shall consist of 17 members who shall be appointed by the President in accordance with the provisions of this section not later than March 10, 1989.

(c) **MEMBER QUALIFICATIONS.**—The membership of the Commission shall be composed in such a manner as to provide that 14 of the members shall be appointed from the following qualification categories:

(1) 3 members shall be from private sector nonprofit organizations involved with national oceans policy (including, but not limited to, those with consumer and environmental interests).

(2) 5 members shall be from private sector commercial organizations involved with national oceans policy (including, but not limited to, those with marine transportation and living and nonliving marine resource interests).

(3) 2 members shall be Governors, not of the same political party, of coastal states in different geographical regions.

(4) 2 members shall be specialists in marine science from the academic community.

(5) 2 members shall be selected from at large, at least one of whom shall be knowledgeable in international oceans policy.

(d) **NOMINEES FOR MEMBERSHIP.**—(1)(A) The Majority Leader of the Senate (hereinafter in this Act referred to as the "Majority Leader") and the Speaker of the House of Representatives (hereinafter referred to in this Act as the "Speaker"), in consultation with the Minority Leader of each House, respectively, shall each prepare a list of 14 nominees for appointment to the Commission.

(B) Each list of nominees prepared under subparagraph (A)—

(i) shall contain nominees that meet the qualifications set forth in subsection (c); but

(ii) may not contain any of the same nominees. No more than half of the nominees on each list may be members of the same political party.

(C) The Majority Leader and the Speaker shall submit the lists prepared under subparagraph (A) to the President no later than February 10, 1989.

(D) The President shall appoint 7 members of the Commission from the list submitted by the Majority Leader and 7 members from the list submitted by the Speaker. No more than 7 members of the Commission appointed under this paragraph may be members of the same political party.

(2) The President shall make 3 appointments to the Commission in addition to those appointed under paragraph (1). Federal officers or employees or individuals employed in the private sector are eligible for appointment under this paragraph. No more than 2 of the individuals appointed under this paragraph may be members of the same political party.

(3) The President, the Majority Leader, and the Speaker shall jointly select a Chairman and Vice Chairman of the Commission from members appointed under paragraph

(1)(D). The Vice Chairman shall act as Chairman in the absence of the Chairman.

(e) **VACANCIES.**—Except as may be required by electoral changes, members of the Commission shall be appointed to serve until the Commission terminates under section 312. In the event of a vacancy, a new member shall be appointed in the same manner in which the original appointment was made. In the case of the vacancy of a member appointed under subsection (d)(1)(D), the new member shall—

(1) be in the same qualification category under subsection (c) as the former member; and

(2) be appointed from a list of at least two nominees prepared by the Majority Leader or the Speaker, as appropriate.

(f) **MEETING OF COMMISSION.**—The Chairman or a majority of the members may call a meeting of the Commission.

SEC. 305. ADVISORS TO THE COMMISSION.

Sec. 5. (a) **CONGRESSIONAL ADVISORS.**—(1) The Commission shall have 8 congressional advisors who shall advise the Commission in the formulation of findings and recommendations. Four of the advisors are Members of the Senate selected by the Majority Leader and 4 of the advisors are Members of the House of Representatives selected by the Speaker. Each congressional advisor must have knowledge appropriate to the concerns of the Commission.

(2) No more than 2 of the congressional advisors from each House may be members of the same political party.

(b) **MILITARY ADVISOR.**—The Chairman of the Joint Chiefs of Staff, or his designee, shall serve in an advisory capacity to the Commission.

SEC. 306. FUNCTIONS OF THE COMMISSION.

(a) **COMPREHENSIVE POLICY.**—(1) The Commission shall propose to the President and to Congress a comprehensive national oceans policy to carry out the purpose of this Act.

(2) The Commission shall develop recommendations on the international and domestic ocean policies, laws, regulations, and activities of the United States that will define and implement the comprehensive policy proposed under paragraph (1). The recommendations shall—

(A) address domestic (including the Great Lakes) and international marine policy issues;

(B) include any modifications in existing United States policies, laws, regulations, and practices necessary to develop efficient long-range programs for—

(i) research in marine and atmospheric sciences;

(ii) the understanding, conservation, management, and development of, marine resources, including Great Lakes Resources; and

(iii) the protection of the ocean environment;

(C) address the most appropriate allocation of responsibilities for research in marine and atmospheric sciences and for the understanding, conservation, management, and development of marine resources among Federal agencies, State and local government, and the private sector; and

(D) consider any other aspects of United States related policies, laws, regulations, and practices considered necessary by the Commission in carrying out its duties pursuant to this subsection.

(d) **DEVELOPMENT OF RECOMMENDATIONS.**—In developing recommendations under subsection (a), the Commission shall—

(1) survey and review all existing and planning ocean-related activities of Federal agencies, including those relating to navigation, marine research, national security and the conservation, management, and development of marine resources, and the protection of the marine environment;

(2) survey and review all existing and planned marine facilities and equipment, including surface ships, undersea research vehicles and habitats, computers, oceanographic satellites, and other appropriate research tools;

(3) evaluate the relationship among Federal agencies, State and local government and the private sector for planning and carrying out the activities described in this subsection, considering areas of substantial coincidence of interest and responsibilities among the various levels of government, academia, industry, and the public interest community and other users of the marine environment, in order to enhance the efficient use of marine resources;

(4) consider Presidential Proclamation 5030 of March 10, 1983, on the Exclusive Economic Zone of the United States of America, including an examination of opportunities and the need for economic development within the exclusive economic zone which have a major impact on the coastal zone of the States and the adequacy of present laws to manage such development in such a way as to minimize conflict;

(5) consider the relationships of United States policies to the Convention law of the Sea and actions available to the United States to affect peaceful collaborations between the United States and other nations, including the development of cooperative international marine programs which will facilitate opportunities for United States and foreign scientists to work together in the waters of the cooperating nations and to provide for the development of such programs in the United States; and

(6) engage in any other preparatory work deemed necessary to carry out the duties of the Commission pursuant to this section.

SEC. 307. POWERS OF THE COMMISSION.

(a) **OBTAINING INFORMATION.**—The Commission may secure directly from any department or agency of the United States any information it considers necessary to carry out its functions under this Act. Each department or agency shall cooperate with the Commission and, to the extent permitted by law, furnish information to the Commission upon request of the Chairman.

(b) **USE OF MAIL.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) **ADMINISTRATIVE SUPPORT.**—The General Services Administration shall provide to the Commission on a reimbursable basis the administrative support services that the Commission may request.

(d) **CONTRACTUAL AUTHORITY.**—The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to sections 303 of the Federal Property and Administration Services Act of 1949 (41 U.S.C. 253), section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416), and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to

the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

SEC. 303. ADMINISTRATIVE PROVISIONS.

(a) **DETAIL OF PERSONNEL.**—Upon request of the Commission, the head of any Federal agency shall detail any of the personnel of the agency to the Commission to assist the Commission in carrying out its functions under this Act. To the extent feasible, such detail shall be on a reimbursable basis.

(b) **VOLUNTEER SERVICES.**—The Commission may accept and use the services of volunteers serving without compensation, and to reimburse volunteers for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(c) **CONSULTANTS.**—To the extent that funds are available, and subject to the rules that may be prescribed to the Commission, the Director appointed under section 309(a) may procure the temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, but at rates not to exceed the rate of pay for GS-18 of the General Schedule.

(d) **CONDUCT OF MEETINGS.**—(1) All meetings of the Commission shall be open to the public, except when the Chairman or a majority of the members of the Commission determine that the meeting or any portion of it may be closed to the public. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(3) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the office of the Commission.

(4) The Federal Advisory Committee Act (5 U.S.C. App. 1-15) does not apply to the Commission.

SEC. 309. DIRECTOR AND STAFF OF COMMISSION.

(a) **DIRECTOR.**—The Commission shall have a Director who shall be appointed by the Chairman and who shall be paid at a rate not to exceed the rate of basic pay for GS-18 of the General Schedule. The Director shall be knowledgeable in administrative management and oceans policy.

(b) **STAFF.**—Subject to such rules as may be prescribed by the Commission, the Director may hire staff for the Commission and shall fix appropriate compensation. The hiring and compensation of the Director and staff under this section may occur without regard to the provision of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SEC. 310. COMPENSATION OF MEMBERS.

(a) **IN GENERAL.**—Except as provided in subsection (b), members of the Commission

shall be paid at a rate not to exceed the basic pay for a GS-18 of the General Schedule for each day, including traveltime, during which such members are engaged in the actual performance of the Commission duties.

(b) **EXCEPTION.**—A member of the Commission who is an officer or employee of the United States may not receive pay for service on the Commission, but shall be reimbursed from funds authorized by this Act for travel expenses including per diem in lieu of subsistence as may be authorized by law for persons in Government service employed intermittently.

SEC. 311. COMMISSION REPORT.

No later than 2 years after the Commission first meets, the Commission shall submit simultaneously to the President and to each House of the Congress a detailed final report regarding the comprehensive oceans policy and the recommendations required to be developed under section 306.

SEC. 312. TERMINATION OF THE COMMISSION.

The Commission shall cease to exist 30 days after the date of the submission of the final report under section 311.

SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums, but not to exceed \$2,000,000, as are necessary to carry out this Act. Such sums are to remain available until expended.

TITLE IV—MISCELLANEOUS

The Secretary of the department in which the Coast Guard is operating shall transfer the Coast Guard cutter "INGHAM" to the Naval and Maritime Museum at Patriots Point, South Carolina. The Secretary shall transfer the "INGHAM" along with such equipment and in such condition as the Secretary considers appropriate. The Secretary shall make the transfer upon the decommissioning of the "INGHAM" or at a later time as determined appropriate by the Secretary.

THE SPEAKER. Is a second demanded?

MR. SAXTON. Mr. Speaker, I demand a second.

THE SPEAKER. Without objection, a second will be considered as ordered. There was no objection.

THE SPEAKER. The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes and the gentleman from New Jersey [Mr. SAXTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

MR. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 4210, a bill to reauthorize titles II and III of the Marine Protection, Research, and Sanctuaries Act to create a National Ocean Policy Commission, and other purposes.

H.R. 4210 will reauthorize title II of the MPRSA for fiscal year 1989, and fiscal year 1990. Title II authorizes the National Oceanic and Atmospheric Administration [NOAA] to conduct a comprehensive monitoring and research program of the effects of ocean dumping as well as the effects of pollution on the marine environment. By

reauthorizing title II, we will be giving NOAA the necessary authorization to monitor and assess the health of our Nation's coastal waters and estuaries. I need not remind my colleagues of the importance of this effort at a time when we are all concerned with the fate of our marine and coastal environment.

Title II of H.R. 4210 reauthorizes NOAA's National Marine Sanctuaries Program for 4 years, from fiscal year 1989 through fiscal year 1992. It is very similar to H.R. 4208, which the House passed under suspension of the rules on July 26.

The amendments made by this bill will put the Marine Sanctuaries Program back on track by requiring the Secretary of Commerce to designate one new sanctuary each year for the next 4 years and to submit a proposal of designation, or prospectus, for two other sanctuaries.

In addition, H.R. 4210 gives the Secretary of Commerce the explicit authority to recover damages from persons who have destroyed or injured protected sanctuary resources and to use the damages on restoration of those resources.

Title III of H.R. 4210 establishes the National Oceans Policy Commission. This title is similar to H.R. 1171 which the House passed during the first session.

Title IV contains a provision regarding actions by the Secretary of Transportation to decommission a Coast Guard vessel.

H.R. 4210 has been developed in close consultation with the Senate. I am confident that this bill meets our objectives of providing needed authority for important marine research and management programs and will soon reach the President's desk and be signed into law.

For these reasons, I urge my colleagues to support H.R. 4210.

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Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. STUDDS].

MR. STUDDS. Mr. Speaker, I rise in strong support of the committee amendment to H.R. 4210, the reauthorization of title II of the Marine Protection, Research, and Sanctuaries Act.

Mr. Speaker, my colleagues who have spoken before me have described well the principal components of the bill itself, which reauthorizes the program of marine environmental research that is conducted by the National Oceanic and Atmospheric Administration [NOAA], and of the amendment that includes the text of an agreement that has been developed by the Committee on Merchant Marine and Fisheries and the Senate Commerce Committee on reauthorizing the National Marine Sanctuary System. I will therefore confine my remarks to those portions of the amendment that will codify a system of liability

for those who cause damage to the natural resources of a national marine sanctuary, and to an additional provision relating to Stellwagen Bank.

Mr. Speaker, section 204 of the committee amendment proposes to add several new sections to the national marine sanctuaries authorizing statute to codify what I believe is a startlingly simple proposition: that those who cause harm to the natural resources of a national marine sanctuary should be responsible for that harm. In short, section 204 will:

Impose liability on those who cause damage to the resources of a sanctuary;

Require the National Oceanic and Atmospheric Administration [NOAA] to evaluate the extent of the damage;

Then require NOAA to recover funds from those who caused the damage and plough them back into restoring the sanctuary itself.

The amendment also authorizes NOAA to proceed directly against those who are responsible through the use of injunctive relief.

Mr. Speaker, I am gratified that the Senate Commerce Committee has voted in favor of these provisions which were drawn from legislation I introduced earlier this Congress, and I am hopeful that they may receive the full support of the Senate as well in the coming days.

Mr. Speaker, the amendment before us today, like the bill that the House passed earlier this year, would require NOAA to prepare detailed reports—called prospectuses—on the possibility of designating certain additional areas as national marine sanctuaries. On the recommendation of Senator KERRY, the Senate Commerce Committee has proposed Stellwagen Bank as one area for which a prospectus would be required by September 30, 1990. We have included that requirement in the amendment before us today, and I believe that it deserves the full support of the House.

Stellwagen Bank is a highly productive fishery area located off Massachusetts between Cape Cod and Cape Ann. It includes approximately 480 square miles in entirely Federal waters with depths ranging from 70 to 120 feet.

The area is a seasonally important feeding site for at least seven species of marine mammals and is of particular importance to the western Atlantic population of humpback whales. The high productivity of the bank that draws the whales also sustains an important commercial and recreational fishery that is among the finest in the region.

Because of the importance of the living resources dependent upon Stellwagen Bank and the growing threats to the area from industrial activities and other shoreside development in the region, I believe a detailed review of the merits of designating the area as a national marine sanctuary deserves our support. First proposed as a sanctuary in 1983, the idea of designating Stellwagen Bank has languished since then, lost in the inaction that has generally characterized the administration's approach to marine issues.

I believe that our action today will begin again the process for examining the idea of the area as a sanctuary for its living resources. Throughout the process of developing a prospectus for Stellwagen Bank, I fully expect NOAA to conduct public hearings in the region to ensure that all who have an in-

terest in the future of Stellwagen Bank have a chance to provide their guidance and recommendations on the potential designation. Knowing well the fundamental importance of local and regional support for the success of any marine sanctuary, I encourage NOAA to make every effort to solicit and heed the views of those who make their living by—and on—the extraordinary resources of Stellwagen Bank.

Finally, overall credit for the legislation is owed to the chairman of the Oceanography Subcommittee for his dedicated efforts to pursue a broad based reauthorization that will bring the Sanctuaries Program back on course and help reverse years of inaction and neglect by the administration. The designations of new sanctuaries that we propose here today should never have been necessary: the character of Monterey Bay, Cordell Bank and the other areas in the bill more than justify their inclusion into the system, and my friend from Washington deserves high praise for recognizing the need to override the intransigence of the NOAA officials who have for too long sought to tear down and destroy the program they were charged with nurturing.

Mr. Speaker, this is a good bill that will renew our commitment to the extraordinary marine areas that rim our coasts and I urge its passage.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first may I just say that the gentleman from North Carolina [Mr. Jones], chairman of the committee, has certainly done a yeoman's job in getting H.R. 4210 to the floor. I commend him for that, and I commend as well our ranking member on our side, the gentleman from Alaska [Mr. Young].

Mr. Speaker, as an original cosponsor of H.R. 4210, and the next bill we will consider H.R. 4211, I am proud of the promise these bills hold for the future of this Nation's coastal oceans. And I thank the chairman of the Subcommittee on Oceanography, Mr. Lowry, for all of his effort in bringing these bills to the floor.

During hearings earlier this year in the Merchant Marine and Fisheries Committee, we learned a surprising fact and an important lesson. The fact we learned was that medical waste, unlike we had assumed for many years, is not rendered harmless in saltwater. The lesson we learned was the value of ongoing research.

At a field hearing of the Subcommittee on Oceanography held earlier this session in Surf City, NJ, on the subject of coastal pollution, Dr. Robert Abel—president of the New Jersey Marine Sciences Consortium and the first director of National Sea Grant College Program—testified that there remains a basic need to improve our understanding of coastal water movements if we are to solve the Nation's coastal ills. I am, therefore, very pleased to note that studies of estuarine and coastal circulation and the conse-

quences of contamination are carried forward in this bill.

Also contained in the bill are the National Ocean Policy Commission and the Marine Sanctuaries Program. The latter has protected some of the most beautiful ecosystems in this Nation's marine waters—and the former provides an important function in assuring that all such waters are protected in the future. Again, I am very pleased to see them included.

Reauthorization of the Marine Protection, Research, and Sanctuaries Act and of the next bill we will consider, the National Ocean Pollution Planning Act, provide the opportunity to assure the continuance of a well coordinated national research effort to better understand and better protect our ocean resources.

I would like to explain our rationale about increasing the funding levels for the title II research and monitoring program. The administration supports reauthorization of much of the work done under this title, but requested funding which would have killed the National Status and Trends Program. Fortunately, Congress has restored this program by appropriating an additional \$6 million for fiscal year 1989. However, this represents level funding and does not allow NOAA to expand its important pollutant assessment programs to the Great Lakes, a serious omission. Therefore, the authorization levels in H.R. 4210 add additional funds for this effort.

I am pleased to concur with this administration in supporting the reauthorization of both these programs, and I urge their passage.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Lagomarsino].

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of H.R. 4210, reauthorizing the Marine Sanctuaries Program. This legislation extends and revises the Marine Sanctuaries Program, providing important new enforcement authority to deal with pollution of our marine sanctuaries—one of which, the Channel Islands Marine Sanctuary, lies within my district. In addition, the committee has included several provisions of legislation I introduced earlier this year, H.R. 3772, the Santa Barbara Channel Protection Act, requiring the Secretary of Transportation to submit a proposal to the International maritime organization designating the Santa Barbara Channel as an area to be avoided; a report to Congress on the status of recommendations in previous Federal, State, and local studies of shipping hazards in the channel—including a recommendation on whether alternative traffic separation plans should be implemented; and a report on the establishment of a "Navtex" marine safety and navigation radio service to cover the channel.

Mr. Speaker, I want to express my thanks to members of the committee for their ongoing interest in improving safety and navigation conditions in the Santa Barbara Channel.

Mr. LOWRY of Washington. Mr. Speaker, H.R. 4210 would reauthorize title II of the Marine Protection, Research, and Sanctuaries Act [MPRSA] at levels of \$13,500,000 and \$14,500,000 for fiscal years 1989 and 1990, respectively. In addition, H.R. 4210 would require that the Secretary of Commerce ensure that the research program conducted under subsection (a) of title II be consistent with the comprehensive plan developed under section 4 of the National Ocean Pollution Planning Act of 1978, the reauthorization of which we will be considering later.

The primary purpose of title II of the MPRSA is to provide for short- and long-term research and monitoring on the effects of pollution, overfishing, and other activities on the marine environment including the specific effects of ocean dumping. The types of programs funded under title II include NOAA's Status and Trends Program, which monitors water quality data from various estuaries around the Nation; the Consequences of Contamination Program, which links the chemical data collected in the Status and Trends Program with the actual effects on marine life; the Strategic Assessment Branch, which prepared data atlases and maps of various estuaries; and the Hazardous Materials Response Program, which is NOAA's research and response capability for meeting hazardous material emergencies and conducting long-term resource assessments under the Superfund law.

As Members recently heard during NOAA's fiscal year 1989 budget testimony, the Status and Trends Program would be reduced by approximately \$5.7 million in this year's budget. I believe that this authorization legislation is important to put this committee on record that it supports the Status and Trends Program, as well as other ocean pollution research efforts underway at NOAA to better understand the fate and effects of contaminants and other pollutants which we have discharged into our Nation's waterbodies for years.

Mr. Speaker, this bill also includes the text of H.R. 4208, legislation that I introduced on March 21, 1988, with my colleagues, Mr. JONES of North Carolina, Mr. STUDDS, Mr. FASCELL, Mr. ALEXANDER, and Mr. HUGHES. The basic purpose of H.R. 4208 is to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972 to reauthorize the National Marine Sanctuary Program for 4 years with a modest expansion of funding based on the additional requirements of the legislation.

Nationally significant marine resource areas are of great value for research, education, and for promoting general public awareness of our marine environment. As our ocean waters are continuously threatened by pollution and other damaging incidents, the establishment and maintenance of marine sanctuaries for the protection of nationally significant resources is an essential priority if we are to continue to enjoy the benefits of unique ocean and coastal resources to which we have become accustomed. The amendments to the Marine Pro-

tection, Research, and Sanctuaries Act that have been incorporated into this piece of legislation recognize issues that require immediate attention. These include the need for: First, improved timeliness and predictability of the national marine sanctuary site designation process; second, clarification of liability for damages to these valuable marine resources; and third, movement toward a uniform enforcement authority to better protect marine resources.

To begin, I would like to point out that existing law contains no deadline regarding site designation. This creates a tremendous problem as too often NOAA has proposed active candidates for site designation, for example Cordell Banks or Flower Garden Banks National Marine Sanctuary, and never completes the process to finally designate the sanctuary. Section 102 amends title III to require the Secretary to publish a notice of designation with final regulations—or findings detailing reasons why one has not been published—within 30 months of the date which a site is determined to be an "active candidate" from the site evaluation list.

Mr. Speaker, these new provisions would force action that has been delayed in the past. The bill also mandates that decisions not to proceed with designation of a site be explained in writing and referred to the relevant House and Senate committees. This will in turn increase the predictability and accountability of the designation process.

The next section deals with the promotion and coordination of research, special use permits, and cooperative agreements and donations. Section 103 of this act strikes section 308 of the title and adds sections 309, 310, and 311 to deal with the above topics, respectively. Since national marine sanctuaries provide ideal environments for conducting marine research projects, section 309 requests that NOAA give priority to marine research within the marine sanctuaries and consult with Federal and State agencies to actively promote their use of the sanctuaries for research purposes.

Because not all activities can be adequately controlled under existing sanctuary regulations, such as those for research, education and other access requirements, section 310 establishes a special use permitting system to complement those existing regulations. If NOAA determines that a permit is necessary to promote public use and understanding of or to establish access to a sanctuary, it may issue such a permit with a 5-year maximum duration, renewable by the Secretary, under the specific terms established in this section. These terms require that the permittee's activities are compatible with the purposes for which the sanctuary was designated, not resulting in any destruction, loss, or injury to its resources, and that the permittee maintains general liability insurance. The permittee must submit an annual report describing the activities conducted by the end of each year. Should any of these terms be violated, the Secretary is authorized to revoke the permit. Section 310 also establishes a specific method of determining the permit fee and authorizes the Secretary to use these fees for management purposes and permit administration. Under section 311, the Secretary of

Commerce is explicitly authorized to enter into cooperative agreements with any nonprofit organizations and to authorize those organizations to solicit private donations for the support of sanctuary activities. This section also allows the Secretary to accept any donations and to expend those donations for sanctuary purposes.

Section 104 establishes a system for restoring those marine sanctuary resources that are destroyed, injured, or lost. The section states that any person responsible for such destruction, injury, or loss will be held liable to the United States for damages and appropriate response costs. Likewise, any responsible vessels will be held liable in rem. Persons will not be liable if they can establish that the destruction, injury or loss was caused by and act of God, war, or a third party, that the causal activity was authorized by Federal or State law or that the damage is of a de minimus nature. The Secretary is directed to pursue civil actions against those persons who are liable to recover response costs and damages.

Recovered funds will be set aside in a separate account and used to remedy the damaged resources. This provision works in accordance with section 107(f)(1) of the Comprehensive Environmental Response, Liability and Compensation Act [CERCLA]. The set-aside may exist at a maximum of \$750,000 to finance the relevant response actions. The bill requires that remaining funds be used to restore, replace, or acquire the equivalent of the damaged resources. In the event that this is not possible, the Secretary is authorized to use the funds for managing and improving the affected sanctuary and then managing other sanctuaries in need of funding.

Mr. Speaker, because of the slow pace of the designation process, specifically with respect to Cordell Banks and Flower Gardens, and because of nationally significant characteristics found in other areas, section 105 of this act establishes a specific schedule for the designation process for four sites: Cordell Banks, Flower Gardens, Monterey Bay, and western Washington outer coast. The section requires that a final notice of designation for the Cordell Banks National Marine Sanctuary be issued no later than December 31, 1988. It is my understanding that this is feasible and that the Administration actually intends to publish the notice prior to this deadline.

A notice of designation for the Flower Gardens National Marine Sanctuary is required by March 31, 1989. Although the designation process for this site has been underway for 10 years, I believe that this date is reasonable now that disputes between NOAA and the State Department regarding NOAA's authority to prohibit harmful anchoring of foreign flag vessels in that area have been resolved. Section 105 requires that Monterey Bay's final notice of designation be issued no later than December 31, 1989. Monterey Bay was previously an active candidate for designation, until NOAA remove it from the list for reasons which are somewhat unclear and inadequate. For example, NOAA felt that this was not a necessary sanctuary because two other sanctuaries in California protect similar resources and that the size of the proposed sanctuary

would put a strain on NOAA's existing enforcement capabilities.

California's present sanctuary resources do not include submarine canyons, such as those found in Monterey Bay and are not as accessible to the public as Monterey Bay. In addition, NOAA did not know what the size of the Monterey Bay National Marine Sanctuary would be since the evaluation process was never completed. It turns out, in fact, that the Monterey Bay National Marine Sanctuary would most likely be considerably smaller than either of the two existing California sanctuaries. These facts, coupled with pollution, from various sources, that continues to pose serious health threats which cannot be controlled by existing conservation measures in the area, support my belief that Monterey Bay is certainly appropriate for designation.

The western Washington outer coast was placed on the site evaluation list in August 1983 and, under this act, would be finally designated by June 30, 1990. This site is adjacent to the Olympic National Park and holds a nationally significant collection of flora and fauna in addition to its variety of sea birds and marine mammals. However, the boundaries for this site as described when placed on the site evaluation list are not adequate for the protection of the rocky stacks used by the sea birds and marine mammals which are so integral to the significance of this site. Therefore, Mr. Speaker, I would like to make a strong point of directing NOAA to use initial boundary descriptions only as a general point from which further detailed review should stem. The boundaries should be subject to change upon review and open to development until the final notice of designation is issued.

Section 105 of this act also requires that the Secretary submit a prospectus to the Congress regarding the proposed Northern Puget Sound National Marine Sanctuary by March 31, 1991, and the Stellwagen Banks National Marine Sanctuary by September 30, 1990. These areas contain nationally significant characteristics that should be protected, but is also a source of various human recreational and research activities. Because of the multiple uses of the areas and the act that extensive consultation is necessary regarding the specific areas to be designated, I believe that these deadlines are appropriate for the prospectuses.

Section 106 of this act recognizes four new areas that should be studies for designation: American Shoal, Sombra Key, Alligator Reef and Santa Monica Bay. This section requires the Secretary to conduct investigations of these areas and to submit, not later than 2 years after the enactment of the act, a report to Congress regarding a decision as to whether any of these areas, or parts thereof, are appropriate for designation as marine sanctuaries or, in the case of the Florida Key areas, for addition to the existing Key Largo or Looe Key National Marine Sanctuaries.

Section 107 makes some amendments regarding enforcement activities as a move toward uniform authority to diminish possible confusion by marine law enforcement agents. These amendments have been modeled after the enforcement provisions of the Magnuson Fishery Conservation and Management Act. Clarifications have been made with respect to

civil penalty assessment, property seizure or forfeiture and storage costs. All are consistent with authorities found in the Magnuson Act.

In section 108 of this act, new sections are added to title III regarding the authorization of appropriations and U.S.S. *Monitor* artifacts and materials. In contrast to past plans, appropriation authorizations would be divided into three categories: First, "general administration," which includes any costs relating to NOAA headquarters operations; second, "management of sanctuaries," which includes any costs relating to onsite management and operations; and third, "site review and analysis," which includes any costs relating to the consideration of a site for national marine sanctuary designation.

Provisions regarding U.S. *Monitor* artifacts and materials require the Secretary to submit, within 6 months of the enactment of this act, a plan that identifies suitable artifacts and materials to be displayed as well as suitable display sites in coastal North Carolina.

Section 109 addresses the protection of the Channel Islands National Marine Sanctuary. It requires that the Secretary of Transportation transmit to Congress provisions that enable response to oil pollution incidents and other incidents which result in damage to the environment in the Channel Islands Sanctuary. The Secretary must also review all Federal, State, and local studies conducted on the hazards of shipping operations and submit recommendations on those studies.

Finally, Mr. Speaker, title III of this bill contains a provision to establish the National Oceans Policy Commission, and title IV contains a provision requiring the transfer of the Coast Guard cutter *Ingham*.

Mr. Speaker, I believe that this is a most worthwhile piece of legislation. Positive action must be taken to protect our important oceans and coastal resources and this bill is a major step in that direction. I would urge my colleagues to support it. Finally, Mr. Speaker, I would like to thank my colleagues on the Merchant Marine and Fisheries Committee, who have helped to improve this legislation, especially Mr. JONES and Mr. STUDDS, as well as Mr. YOUNG of Alaska, and Mr. DAVIS of Michigan. In addition, Mr. Speaker, I would like to compliment my colleagues from California, Mr. PANETTA and Mr. LEVINE, as well as Mr. FASCELL for their important work and leadership on this legislation.

Mr. DAVIS of Michigan. Mr. Speaker, H.R. 4210 contains many titles, all of which have merit. I would like to elaborate on certain provisions contained in this bill, which will improve the overall health of our marine and Great Lakes environment.

The first section of H.R. 4210 reauthorizes title II of the Marine, Protection, Research, and Sanctuaries Act. Although the administration requested only \$4.8 million for this program for fiscal year 1989, the Congress has provided funds for the continuation of the important monitoring and research in our oceans and Great Lakes authorized by title II, specifically the Status and Trends Program. However, even these funding levels will not allow NOAA to expand its important pollutant assessment programs to the Great Lakes, a serious omission.

The Great Lakes region needs this vital information to assist in the cleanup of contaminated "hot spots", including the St. Mary's River, which has suffered pollution leaching from slag piles and other as yet unidentified sources. Federal officials in both the United States and Canada have explained that remedial action plans cannot be developed any faster because they don't have data at hand showing the types of pollutants entering the lakes, the amounts of these pollutants, or where the pollutants are coming from. NOAA has the capacity under title II, and indeed has used it for the east, west, and gulf coasts, to compile this information in a computerized inventory and to make it available to government entities and other users. NOAA also publishes this material in Data Atlases, which are also available to the public.

The small increase in authorization levels in the title II program therefore represents our hope that funds will be appropriated next year for NOAA to add the Great Lakes to its existing pollutant monitoring/assessment system. Earlier this Congress I introduced a bill, H.R. 3715, which would have created a freestanding program directing NOAA to compile an inventory of pollutants entering into the Lakes. Although the Public Works and Transportation Committee was unable to report out the bill this Congress, I urge NOAA, in cooperation with the Environmental Protection Agency's Great Lakes National Program Office, to pursue the program outlined in that bill under title II should funds allow.

The second title of this bill reauthorizes the National Marine Sanctuaries Program, also administered by NOAA. This section further specifies NOAA's enforcement powers so that the special maritime areas designated as national marine sanctuaries are better protected. I also note the extra safeguards in this title afforded the Channel Islands National Marine Sanctuary offshore Santa Barbara, CA. Congressman ROBERT LAGOMARSINO has fought to shield this fragile site from devastating oil spills, with the assistance of the U.S. Coast Guard. Section 209 of the bill guarantees that this protection will continue.

Finally, title III of the bill establishes a National Oceans Policy Commission. The House has already approved this measure last year, and we hope that the Senate has reexamined its position and is willing to support this approach to ensure that our oceans and the Great Lakes are given new hope in the coming years.

I urge my colleagues to support this bill, and thank my associates on the Science, Space, and Technology Committee for agreeing to its consideration in the House today.

Miss SCHNEIDER. Mr. Speaker, I rise today in support of H.R. 4210, the reauthorization of title II of the Marine Protection, Research and Sanctuaries Act [MPRSA]. This reauthorization is very important, especially in light of the fact that this body has just approved an amendment to MPRSA which bans ocean dumping.

I have been privileged to serve on the two committees which have jurisdiction over this reauthorization, the Merchant Marine and Fisheries Committee and the Science, Space, and Technology Committee. Through my position on these two key committees I recognize

the importance of researching and monitoring the effects of ocean dumping even though this Congress is mandating an end to this harmful practice. I have worked to assure that both of these committees have given this reauthorization the proper attention and support.

I am glad to see the inclusion of a provision in this bill which creates a National Oceans Policy Commission [NOPC], which I recently introduced as an amendment to another bill along with Chairman WALTER JONES. I commend the action of WALTER JONES and MIKE LOWRY in incorporating NOPC into this bill.

The formation of such a commission is not a new idea. Over 20 years ago Congress established the Stratton Commission. The recommendations of that commission shaped the form and direction of our Nation's marine policy for the decade that followed. The 1970's saw many of the commission's forward looking recommendations implemented, such as the creation of NOAA; passage of the Coastal Zone Management Act; the Clean Water Act; the Ocean Dumping Act; and the Magnuson Fishery Conservation and Management Act.

We do not have a comprehensive approach to manage and utilize our Nation's most important natural resource—our oceans. The United States needs a coordinated, comprehensive oceans policy developed from our past efforts, current trends, and our future needs and expectations.

Now is the perfect time to reestablish a national oceans policy. The 17-member nonpartisan commission which is proposed in this bill will be chosen by a new President, and will begin its mission with a new administration. This commission will be setting our priorities for the challenges that this Nation will be facing in the 1990's and into the next century.

I strongly urge all of my colleagues to support this bill which will reauthorize a very important program and establish a mechanism for managing our marine resources into the 21st century.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 4210, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative

days in which to revise and extend their remarks on H.R. 4210, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

NATIONAL OCEAN POLLUTION PLANNING ACT OF 1978 AUTHORIZATION, FISCAL YEARS 1989 AND 1990

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4211) to reauthorize the National Ocean Pollution Planning Act of 1978 for fiscal years 1989 and 1990, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701-1709) is amended as follows:

(1) Paragraph (1) of section 3 (33 U.S.C. 1702(1)) is amended to read as follows:

"(1) The term 'Administration' means the National Oceanic and Atmospheric Administration of the United States Department of Commerce."

(2) Paragraph (2) of section 3 (33 U.S.C. 1702(2)) is repealed.

(3) Paragraphs (3), (4), (5), (6), (7), and (8) of section 3 (33 U.S.C. 1702(3), (4), (5), (6), (7), and (8)) are redesignated as paragraphs (2), (3), (4), (5), (6), and (7), respectively.

(4) Section 3 is amended by inserting after paragraph (7) (as redesignated) the following:

"(8) The term 'Under Secretary' means the Under Secretary for Oceans and Atmosphere, United States Department of Commerce."

(5) The term 'Administrator' is struck each place it appears and the term 'Under Secretary' is inserted in lieu thereof.

(6) Subparagraph (B) of section 3A(a)(2) (33 U.S.C. 1702a(a)(2)(B)) is amended to read as follows:

"(B) be headed by a director who shall—
"(i) be appointed by the Under Secretary, and

"(ii) be the official responsible for the administration of the program;"

(7) Subparagraph (B) of section 3A(b)(2) (33 U.S.C. 1702a(b)(2)(B)) is amended to read as follows:

"(B) review all department and agency budget requests transmitted to it under section 4 of this Act and submit a report simultaneously to the Office of Management and Budget and to the Congress concerning those budget requests;" (8) Section 10 (33 U.S.C. 1709) is amended—

(A) by striking "and" immediately following "1988"; and

(B) by striking "1987" and inserting in lieu thereof "1987, not to exceed \$3,750,000 for fiscal year 1989, and not to exceed \$4,000,000 for fiscal year 1990."

The SPEAKER pro tempore. Is a second demanded?

Mr. SAXTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes and the gentleman from New Jersey [Mr. SAXTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. I rise today in support of H.R. 4211, a bill to reauthorize the National Ocean Pollution Planning Act of 1978 [NOPPA].

This bill will reauthorize NOPPA for fiscal years 1989 and 1990, at a level of \$3.75 million for fiscal year 1989 and \$4 million for fiscal year 1990. The bill also makes a few needed adjustments in the basic NOPPA program.

NOPPA is an important program administered by the National Oceanic and Atmospheric Administration [NOAA]. It requires NOAA to coordinate all Federal programs for ocean pollution research and monitoring, and to develop, every 3 years, a 5-year plan for ocean pollution research. The next 5-year plan is due to be released this year.

At this time of heightened concern for our Nation's coasts due to pollution, I urge my colleagues to support this program. It has, as its goal, the identification of key pollution issues and makes recommendations on how Federal agencies can coordinate their budgets to help solve these problems.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I mentioned in our deliberations on the previous bill, I believe that the passage of the National Ocean Pollution Planning Act serves an important function if there is any hope of improving the outlook for our coastal oceans.

We learned from years of suffering through continued ocean dumping that little is accomplished in the absence of planning. If you do not plan to stop polluting the ocean, you simply will not stop polluting the ocean. The years of difficulty in moving toward successful negotiation of the ocean dumping ban that this House passed only moments ago has also taught us the value of cooperation and coordination.

H.R. 4211 assures that such planning and cooperation will be carried throughout the Federal Government's diverse efforts to address our coastal pollution crisis, and I therefore urge its passage.

Mr. DAVIS of Michigan. Mr. Speaker, I rise in support of H.R. 4211, which reauthorizes the National Ocean Pollution Planning Act [NOPPA]. This small program has a big impact on our oceans, as it coordinates all our Federal ocean pollution activities and ensures that we have little overlap or other wasteful

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 504: Mr. Dowdy of Mississippi.
H.R. 592: Mr. Hansen, Mr. Grant, Mr. Kanjorski, Mr. Thomas A. Luken, Mr. Mavroules, Mr. Ackerman, Mr. Sundquist, Mr. Sawyer, Mr. Skelton, Mr. Stratton, and Mr. Lipinski.

H.R. 593: Mr. Richardson.
H.R. 1660: Mr. Derrick.
H.R. 1815: Mr. De Lugo.
H.R. 1957: Mr. Dorgan of North Dakota.
H.R. 2155: Mr. LaFalce.

H.R. 2183: Mr. Sundquist, Mr. DeFazio, Mr. Penny, Mrs. Patterson, Mr. Emerson, Mr. Rahall, Mr. McMillan of North Carolina, Mr. Dymally, Mr. Staggers, Mr. Hubbard, Mr. Clarke, Mr. Valentine, Mr. Craig, Mr. Robinson, Mr. DeWine, Mr. Fazio, Mr. Sikorski, Mr. Whittaker, Mr. Saxton, and Mr. Shays.

H.R. 2852: Mr. Roe.
H.R. 2964: Mr. Owens of New York, Mr. Beilenson, Mr. Foglietta, Mr. Fauntroy, Mr. Olin, Mr. Chapman, Mr. Penny, and Mr. Atkins.

H.R. 3054: Mr. Rangel and Mr. Solomon.
H.R. 3250: Mr. Anthony.
H.R. 3455: Mr. Traficant, Mr. Gallo, and Mr. Tauke.

H.R. 3623: Mr. De Lugo.
H.R. 3723: Mr. Flippo.
H.R. 3871: Mr. Neal and Mr. Chapman.
H.R. 3883: Mr. Fiascell, Mr. Mica, and Mr. MacKay.

H.R. 3900: Mr. Oxley.
H.R. 3996: Mr. Daub and Mr. Bevil.
H.R. 4150: Mr. Slaught of Virginia.
H.R. 4208: Mr. Foglietta, Mr. Hutto, Mr. Lipinski, Mr. Carper, Mr. Bosco, Mr. Manton, Mr. Levine of California, Mr. Saxton, Mr. Miller of Washington, Mr. Weldon, Mr. Ortiz, Mrs. Sasaki, and Mrs. Bentley.

H.R. 4221: Mr. Schuette.
H.R. 4340: Mr. Lehman of Florida, Mr. DeFazio, Mr. Erdreich, Mr. Weiss, Mr. Fazio, Mr. Sundquist, Mr. Stratton, Mr. Lewis of Georgia, Mr. Schaefer, Mr. Dwyer of New Jersey, Mr. Skaggs, Mr. Jeffords, Mr. Skelton, Mr. Tauzin, Mr. Coelho, Mrs. Morella, Mr. Kanjorski, Mr. Fiascell, Mr. Glickman, Mr. Gray of Illinois, Mr. Hughes, Mr. Delums, Ms. Pelosi, Mr. Hyde, Mr. Weber, Mr. Edwards of California, and Mr. Pashayan.

H.R. 4442: Mr. Panetta and Mr. Rahall.
H.R. 4446: Mr. Hatcher, Mrs. Meyers of Kansas, and Mr. Hastert.

H.R. 4455: Mr. Smith of New Hampshire and Mr. Fauntroy.

H.R. 4468: Mr. Ridge.
H.R. 4530: Mr. Bates, Mr. Rangel, Mr. Frank, Mr. Smith of Florida, Mr. Richardson, Mr. Garcia, Mr. Owens of New York, Mr. Bustamante, Mr. Espy, Mr. Towns, Mr. Berman, and Mr. Borski.

H.R. 4533: Mr. Evans.
H.R. 4542: Mr. Tallon and Mr. Denny Smith.

H.R. 4546: Mrs. Bentley, Mr. Rangel, Mr. Frost, and Mr. Atkins.

H.R. 4576: Mr. Clinger and Mr. Chandler.
H.R. 4652: Mr. DeWine and Mr. Baker.

H.R. 4680: Mr. Archer and Ms. Kaptur.
H.R. 4758: Mr. Gonzalez and Mr. MacKay.

H.R. 4768: Mrs. Sasaki, Mr. Craig, Mr. Lewis of Florida, and Mr. Miller of Washington.

H.R. 4811: Mr. Gilman.
H.J. Res. 138: Mr. Lancaster, Mr. Vento, and Mr. Evans.

H.J. Res. 315: Mrs. Vucanovich, Mr. Bustamante, and Mr. Tallon.

H.J. Res. 317: Mr. Jeffords.
H.J. Res. 330: Mr. Crockett, Mr. Mavroules, Mr. Leach of Iowa, Mr. Moody, Mr. Atkins, Mr. Clay, Mr. Hatcher, Mr. McHugh, Mr. Rinaldo, Mr. Broomfield, Mr. Rose, Mr. Rangel, and Mr. Carper.

H.J. Res. 458: Mr. Clinger, Mr. Evans, Mr. Kleczka, Mr. Murphy, Mr. Pashayan, Mr. DeWine, Mr. Jontz, Mr. Moakley, Mr. Mfume, and Mr. Atkins.

H.J. Res. 478: Mr. Grandy, Mr. Mineta, Mr. Lipinski, Mr. Skaggs, Mr. Hastert, Mr. Akaka, Mr. Fiascell, Mr. Evans, Mr. Lantos, Mr. Carr, Mr. Young of Florida, Mr. Ackerman, Mr. Atkins, Mr. Bliley, Mr. Borski, Mr. Bonior of Michigan, Mr. Buechner, Mr. Flippo, Mr. Garcia, Mr. Dornan of California, Mr. Dorgan of North Dakota, Mr. Hayes of Illinois, Mr. Schaefer, Mr. Smith of New Hampshire, Mr. Wortley, Mr. Robert F. Smith, Mr. Stratton, Mr. Rhodes, Mr. Jontz, Mr. Olin, Mr. Skelton, Mr. Towns, Mr. Callahan, Mr. Rangel, Mr. Parris, Mr. Hatcher, Mr. Chapman, Mr. Hubbard, Mr. Mavroules, Mr. Dwyer of New Jersey, Mr. Dellums, Mr. Jones of Tennessee, and Mr. Nichols.

H.J. Res. 520: Mr. Volkmer, Mr. Schuette, Mr. Vento, Mr. Chapman, Mr. Tallon, Mr. Sunia, Mr. Gallo, Mr. Dingell, Mr. DeWine, Mr. Hayes of Illinois, Mr. Saxton, and Mr. Hughes.

H.J. Res. 549: Mr. Oberstar, Mr. Erdreich, Mr. Levin of Michigan, Mr. Tallon, Mr. Levine of California, Mr. Espy, Mr. Lowry of Washington, Mr. Schaefer, Mrs. Morella, Mr. Florio, Mr. Fazio, Mr. Dowdy of Mississippi, Mr. Lancaster, Mr. Edwards of Oklahoma, Mrs. Johnson of Connecticut, Mr. Bryant, Mr. Ackerman, Mr. Vento, Mr. Dellums, Mrs. Bentley, Mr. DeWine, Mr. Mavroules, and Mr. Petri.

H.J. Res. 554: Mr. Bosco, Mr. Morrison of Connecticut, Mr. Erdreich, Mr. Kleczka, Mr. Emerson, Mr. McCloskey, and Mr. Mrazek.

H.J. Res. 556: Mr. Barnard, Mr. Boehlert, Mrs. Byron, Mr. Chapman, Mr. Dyson, Mr. Flake, Mr. Gregg, Mr. Hayes of Louisiana, Mr. Jontz, Ms. Kaptur, Mr. Kasich, Mr. Kolter, Mr. LaFalce, Mr. Lagomarsino, Mr.

Lancaster, Mr. Lott, Mr. Miller of Washington, Mr. Porter, Mr. Schaefer, Mrs. Schroeder, Mr. Scheuer, Mr. Robert F. Smith, Mr. Stark, and Mr. Vento.

H.J. Res. 559: Mr. Henry.
H.J. Res. 565: Mr. DeWine, Mr. Petri, Mr. Smith of New Hampshire, Mr. Rangel, Mr. Gray of Illinois, Mr. Atkins, and Mr. Foglietta.

H.R. Res. 573: Mr. Bartlett, Mr. Boulter, Mr. Anderson, Mr. Dixon, Mr. Dymally, Mr. Fazio, Mr. Lungren, Mr. Biaggi, Mr. DiGuardi, Mr. Fish, Mr. Green, Mr. Hochbrueckner, Mr. Rangel, Mr. Schumer, Mr. Solarz, Mr. Towns, Mr. Wortley, Mrs. Collins, Mr. Hayes of Illinois, Mr. Borski, Mr. McDade, Mrs. Lloyd, Mr. Hughes, Mr. Saxton, Mr. Dyson, Mr. Bliley, Mr. Boucher, Mr. Parris, Mr. Tallon, Mr. Atkins, Mr. Frenzel, Mr. Sikorski, Mr. DeWine, Ms. Kaptur, Mr. Gradison, Mr. Bennett, Mr. Smith of Florida, Mr. Hertel, Mr. Levin of Michigan, Mr. Upton, Mr. Blaz, Mr. Dowdy of Mississippi, Mr. Espy, Mr. Gunderson, Mr. Holloway, Mr. Dorgan of North Dakota, and Mr. Daub.

H.J. Res. 584: Mr. Rhodes, Mrs. Boxer, Mrs. Patterson, Mr. Schuette, Mr. Schulze, Mr. Mavroules, Mrs. Collins, Mr. Chapman, Mr. Atkins, Mr. McGrath, and Mr. Lipinski.

H. Con. Res. 302: Mr. Chapman, Mr. Rahall, Mr. Swindall, and Mr. McEwen.
H. Con. Res. 304: Mr. Nielson of Utah.

H. Con. Res. 316: Mrs. Lloyd, Mr. Arme, Mr. Emerson, Mr. Gunderson, Mr. Schuette, Mr. Craig, Mr. Boehlert, Mr. Pashayan, Mr. Baker, Mr. Callahan, Mr. Denny Smith, Mr. Chandler, Mr. Cheney, Mr. Konnyu, Mr. Buechner, and Mr. Shaw.

H. Res. 400: Mr. Bateman, Mr. Bliley, Mr. Johnson of South Dakota, Mr. Lehman of California, Mr. Levine of California, Mr. McCrery, Mr. Madigan, Mr. Mica, and Mr. Price of North Carolina.

H. Res. 467: Mr. Horton, Mr. Denny Smith, Mrs. Meyers of Kansas, Mr. Parris, Mr. Edwards of Oklahoma, and Mr. Craig.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4781

By Mr. ROTH:
—Page 84, after line 12, insert the following new section:

SEC. 8108. Not later than December 31, 1988, the Secretary of Defense shall submit to Congress a report on the causes and circumstances of all deaths of Navy personnel during Navy training since January 1, 1986, and on the actions taken by the Secretary of Defense and the Secretary of the Navy to prevent further such deaths.

ment of the Senate to the bill (H.R. 990) to direct the Secretary of the Interior to convey a parcel of land located near Ocotillo, CA; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3408) to increase the amounts authorized for the Colorado River storage project; with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3105. An act to revise, consolidate, and enact certain laws related to shipping definitions and maritime commercial instruments and liens as subtitle III of title 46, United States Code, "Shipping", and for other purposes;

H.R. 5069. An act to extend the territorial sea and the contiguous zone of the United States, to establish the Territorial Sea Commission, and for other purposes;

H.R. 5319. An act relating to compensation for members of the United States Park Police and members of the United States Secret Service Uniformed Division;

H.R. 5321. An act to amend the Motor Carrier Safety Act of 1984 to eliminate application of the commercial zone exemption to commercial motor vehicle safety regulations, and for other purposes;

H.R. 5395. An act to designate the Sipsey River as a component of the National Wild and Scenic Rivers System, to designate certain areas as additions to the Sipsey Wilderness, to designate certain areas as conditions to the Cheaha Wilderness, and to preserve over thirty thousand acres of pristine natural treasures in the Bankland National Forest for aesthetic and recreational benefit of future generations of Alabamians, and for other purposes;

H.R. 5452. An act to extend the Commission on Merchant Marine and Defense; and

H.R. 5471. An act to amend the Public Health Service Act to revise the authority for the regulation of clinical laboratories.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4140. An act to require an Office of Investigations within the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

H.R. 4443. An act to make permanent the Martin Luther King, Jr. Federal Holiday Commission; to the Committee on the Judiciary.

H.R. 5069. An act to extend the territorial sea and the contiguous zone of the United States, to establish the Territorial Sea Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5115. An act to amend the Immigration and Nationality Act to revise the numerical limitation and preference system for admission of independent immigrants, and for other purposes; to the Committee on the Judiciary.

H.R. 5321. An act to amend the Motor Carrier Safety Act of 1984 to eliminate application of the commercial zone exemption

to commercial motor vehicle safety regulations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5410. An act to provide for the registration of foreign interests in United States property, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5452. An act to extend the Commission on Merchant Marine and Defense; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bills and joint resolutions were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2848. An act to provide for the interim statutory licensing of the secondary transmission by satellite carrier of superstations and network stations for private home viewing; to prevent piracy of satellite cable programming, and for other purposes;

H.R. 3105. An act to revise, consolidate, and enact certain laws related to shipping definitions and maritime commercial instruments and liens as subtitle III of title 46, United States Code, "Shipping", and for other purposes;

H.R. 4210. An act to reauthorize title II of the Marine Protection, Research, and Sanctuaries Act of 1972, for fiscal years 1989 and 1990, and for other purposes.

H.R. 4211. An act to reauthorize the National Ocean Pollution Planning Act of 1978 for fiscal years 1989 and 1990, and for other purposes;

H.R. 4844. An act to direct the Federal Aviation Administration to provide assistance to law enforcement in their efforts with respect to drug trafficking interdiction, and for other purposes;

H.R. 5318. An act to amend the Egg Research and Consumer Information Act to limit the total costs that may be incurred by the Egg Board in collecting producer assessments and having an administrative staff, to eliminate egg producer refunds, and to delay the conducting of any referendum by egg producers on the elimination of such refunds.

H.R. 5395. An act to designate the Sipsey River as a component of the National Wild and Scenic Rivers System, to designate certain areas as additions to the Sipsey Wilderness, to designate certain areas as additions to the Cheaha Wilderness, and to preserve over thirty thousand acres of pristine natural treasures in the Bankland National Forest for aesthetic and recreational benefit of future generations of Alabamians, and for other purposes.

H.J. Res. 644. Joint resolution granting the consent of Congress to the compact entered into between the State of North Carolina and the State of South Carolina establishing the Lake Wylie Marine Commission.

The Committee on Energy and Natural Resources was discharged from the further consideration of the following bill; which was placed on the calendar:

H.R. 5001. An act to establish the Delaware Water Gap National Recreation Area Citizen Advisory Commission.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 610. An act for the relief of Calvin L. Graham; and

H.R. 5389. An act concerning disaster assistance for Bangladesh.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 7, 1988, he had presented to the President of the United States the following enrolled bills and joint resolution:

S. 496. An act to amend title 5 of the United States Code, to ensure privacy, integrity, and verification of data disclosed for computer matching, to establish Data Integrity Boards within Federal agencies, and for other purposes;

S. 908. An act to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments, and for other purposes;

S. 945. An act to authorize the Secretary of Health and Human Services to make grants for demonstration projects for foster care and residential care of infants and young children abandoned in hospitals, and for other purposes;

S. 1626. An act to keep secure the rights of intellectual property licensors and licensees which come under the protection of title 11 of the United States Code, the bankruptcy code;

S. 2800. An act to amend the Nuclear Waste Policy Act of 1982 with respect to the Office of the Nuclear Waste Negotiator and the Monitored Retrievable Storage Commission; and

S.J. Res. 364. Joint resolution to designate the week of October 2 through October 8, 1988, as "National Paralysis Awareness Week."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1950: A bill to amend the Public Health Service Act to reauthorize adolescent family life demonstration projects, and for other purposes (Rept. No. 100-591).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2810: A bill to amend the Marine Mammal Protection Act of 1972 and to authorize appropriations for that Act, and for other purposes (Rept. No. 100-592).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 4399: A bill to facilitate commercial access to space, and for other purposes (Rept. No. 100-593).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2549: A bill to promote highway traffic safety encouraging the States to establish measures for more effective enforcement of

□ 1444

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972, AUTHORIZATION FOR FISCAL YEARS 1989 AND 1990

The SPEAKER pro tempore (Mr. MURTHA). The unfinished business is the question of suspending the rules and passing the bill, H.R. 4210, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 4210, as amended, on which the yeas and nays are ordered.

This is a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 14, as follows:

[Roll No. 402]

YEAS—415

Ackerman	Callahan	Durbin
Akaka	Campbell	Dwyer
Alexander	Cardin	Dymally
Anderson	Carper	Dyson
Andrews	Carr	Early
Annunzio	Chandler	Eckart
Anthony	Chapman	Edwards (CA)
Applegate	Chappell	Edwards (OK)
Archer	Cheney	Emerson
Army	Clarke	English
Aspin	Clay	Erdreich
Atkins	Clement	Espy
AuCoin	Clinger	Evans
Badham	Costa	Fascell
Baker	Coble	Fawell
Ballenger	Coelho	Fazio
Barnard	Coleman (MO)	Feighan
Bartlett	Coleman (TX)	Fields
Barton	Collins	Fish
Bateman	Combust	Flake
Bates	Conte	Filippo
Bellenson	Conyers	Florio
Bennett	Cooper	Foglietta
Bentley	Costello	Foley
Bereuter	Coughlin	Ford (MI)
Berman	Courter	Frank
Bevill	Coyne	Frenzel
Bilbray	Craig	Frost
Bilirakis	Crane	Galleghy
Bliley	Crockett	Gallo
Boehliert	Dannemeyer	Garcia
Boggs	Darden	Gaydos
Boland	Daub	Gejdenson
Bonior	Davis (IL)	Gekas
Bonker	Davis (MI)	Gephardt
Borski	de la Garza	Gibbons
Bosco	DeFazio	Gilman
Boucher	DeLay	Gingrich
Boxer	Dellums	Glickman
Brennan	Derrick	Gonzalez
Brooks	DeWine	Goodling
Broomfield	Dickinson	Gordon
Brown (CA)	Dicks	Gradison
Brown (CO)	Dingell	Grant
Bruce	DioGuardi	Gray (IL)
Bryant	Dixon	Gray (PA)
Buechner	Dorgan (ND)	Green
Bunning	Dornan (CA)	Gregg
Burton	Dowdy	Guarini
Bustamante	Downey	Gunderson
Byron	Dreier	Hall (OH)

Hall (TX)	McCurdy	Scheuer
Hamilton	McDade	Schnelder
Hammerschmidt	McEwen	Schroeder
Hansen	McGrath	Schuetz
Harris	McHugh	Schulze
Haastert	McMillan (NC)	Schumer
Hatcher	McMillan (MD)	Sensenbrenner
Hawkins	Meyers	Sharp
Hayes (IL)	Mfume	Shaw
Hayes (LA)	Mica	Shays
Hefley	Michel	Shuster
Hefner	Miller (CA)	Sikorski
Henry	Miller (OH)	Slasky
Herger	Miller (WA)	Skaggs
Hertel	Mineta	Skeen
Hiler	Moakley	Skelton
Hochbrueckner	Molinar	Slattery
Holloway	Mollohan	Slaughter (NY)
Hopkins	Montgomery	Slaughter (VA)
Horton	Moody	Smith (FL)
Houghton	Moorhead	Smith (IA)
Hoyer	Morella	Smith (NE)
Hubbard	Morrison (CT)	Smith (NJ)
Huckaby	Morrison (WA)	Smith (TX)
Hughes	Mrazek	Smith, Denny
Hunter	Murphy	(OR)
Hutto	Murtha	Smith, Robert
Hyde	Myers	(NH)
Inhofe	Nagle	Smith, Robert
Ireland	Natcher	(OR)
Jacobs	Neal	Snowe
Jeffords	Nelson	Solarz
Jenkins	Nichols	Solomon
Johnson (CT)	Nielson	Spence
Johnson (SD)	Nowak	Spratt
Jones (NC)	Oaker	Staggers
Jones (TN)	Oberstar	Stallings
Jontz	Obey	Stangeland
Kanjorski	Olin	Stark
Kasich	Ortiz	Stenholm
Kastenmeyer	Owens (NY)	Stokes
Kemp	Owens (UT)	Stratton
Kennedy	Oxley	Studds
Kennelly	Packard	Sundquist
Kildee	Panetta	Swift
Kleczka	Parris	Swindall
Kolbe	Pashayan	Synar
Kolter	Patterson	Tailon
Konnyu	Payne	Tauke
Kostmayer	Pease	Tauzin
Kyl	Pelosi	Taylor
LaFalce	Penny	Thomas (CA)
Lagomarsino	Pepper	Thomas (OA)
Lancaster	Perkins	Torres
Lantos	Petri	Torricelli
Latta	Pickett	Towns
Leach (IA)	Porter	Trafficant
Leath (TX)	Price	Traxler
Lehman (CA)	Pursell	Udall
Lehman (FL)	Quillen	Upton
Leland	Rahall	Valentine
Lent	Rangel	Vander Jagt
Levin (MI)	Ravenel	Vento
Levine (CA)	Ray	Visclosky
Lewis (FL)	Regula	Volkmer
Lewis (GA)	Rhodes	Vucanovich
Lightfoot	Richardson	Walgren
Lipinski	Ridge	Walker
Livingston	Rinaldo	Watkins
Lloyd	Ritter	Weber
Lott	Roberts	Weiss
Lujan	Robinson	Weldon
Lukens, Thomas	Rodino	Wheat
Lukens, Donald	Roe	Whittaker
Lungren	Rogers	Whitten
Madigan	Rose	Williams
Manton	Rostenkowski	Wilson
Markey	Roth	Wise
Marlenee	Roukema	Wolf
Martin (IL)	Rowland (CT)	Wolpe
Martin (NY)	Rowland (GA)	Wortley
Martinez	Roybal	Wyden
Matsui	Russo	Wyllie
Mavroules	Sabo	Yates
Mazzoli	Saiki	Yatron
McCandless	Savage	Young (AK)
McCloskey	Sawyer	Young (FL)
McCollum	Saxton	
McCrery	Schaefer	

NAYS—2

Stump

NOT VOTING—14

Boulter

Donnelly

Ford (TN)

Grandy	Lowry (WA)	St Germain
Kaptur	Mack	Sweeney
Lewis (CA)	MacKay	Waxman
Lowery (CA)	Pickle	

□ 1448

Mr. PORTER changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the bill as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations to carry out titles II and III of the Marine Protection, Research, and Sanctuaries Act of 1972, to establish the National Oceans Policy Commission, and for other purposes."

A motion to reconsider was laid on the table.

NATIONAL OCEAN POLLUTION PLANNING ACT OF 1978 AUTHORIZATION, FISCAL YEARS 1989 AND 1990

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4211, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 4211, as amended, on which the yeas and nays are ordered.

This is a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 21, not voting 12, as follows:

[Roll No. 403]

YEAS—398

Ackerman	Brooks	Dannemeyer
Akaka	Broomfield	Darden
Alexander	Brown (CA)	Davis (IL)
Anderson	Bruce	Davis (MI)
Andrews	Bryant	de la Garza
Annunzio	Buechner	DeFazio
Anthony	Bunning	Dellums
Applegate	Bustamante	Derrick
Aspin	Byron	DeWine
Atkins	Callahan	Dickinson
AuCoin	Campbell	Dicks
Badham	Cardin	Dingell
Baker	Carper	DioGuardi
Ballenger	Carr	Dixon
Barnard	Chandler	Dorgan (ND)
Bartlett	Chapman	Dornan (CA)
Barton	Chappell	Dowdy
Bateman	Clarke	Downey
Bates	Clay	Dreier
Bellenson	Clement	Durbin
Bennett	Clinger	Dwyer
Bentley	Costa	Dymally
Bereuter	Coble	Dyson
Berman	Coelho	Early
Bevill	Coleman (MO)	Eckart
Bilbray	Coleman (TX)	Edwards (CA)
Bilirakis	Collins	Edwards (OK)
Boehliert	Combust	Emerson
Boggs	Conte	English
Boland	Conyers	Erdreich
Bonior	Cooper	Espy
Bonker	Costello	Evans
Borski	Coughlin	Fascell
Bosco	Courter	Fawell
Boucher	Coyne	Fazio
Boxer	Craig	Feighan
Brennan	Crockett	Fields

the National Park of American Samoa that the Senate proceed to its immediate consideration, that it be read the third time, passed, and the motion to reconsider laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4818) was passed.

NATIONAL OCEANS POLICY COMMISSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 1133, H.R. 4210, the marine protection and sanctuaries bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4210) to authorize appropriations to carry out titles II and III of the Marine Protection, Research, and Sanctuaries Act of 1972 to establish the National Oceans Policy Commission, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3676

(Purpose: To strike certain provisions and for other purposes)

Mr. BYRD. Mr. President, on behalf of Mr. HOLLINGS I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] for Mr. HOLLINGS proposes an amendment numbered 3676.

In section 205(b), insert "and (a)(5)" immediately after "section 304(a)(1)(C)" and immediately after "16 U.S.C. 1434(a)(1)(C)". Strike title III and title IV.

Mr. HOLLINGS. Mr. President, I rise today in support of legislation to reauthorize and amend titles II and III of the Marine Protection, Research, and Sanctuaries Act of 1972 [MPRSA]. This legislation was enacted in response to growing concern over the degradation of marine habitats. Title II of the MPRSA established a comprehensive research program on the effects of ocean dumping. Title III created the National Marine Sanctuary Program which is administered by the National Oceanic and Atmospheric Association [NOAA]. The primary purpose of title III is to provide for the conservation and protection of nationally significant marine resources. I introduced S. 2761 on September 8, 1988, a bill to reauthorize and amend title III. The Commerce Committee unanimously ordered the bill to be favorably reported with two amendments. The legislation we are considering today, H.R. 4210, repre-

sents a compromise between S. 2761 and the House bill covering title III, and also includes the reauthorization of title II.

H.R. 4210 amends and reauthorizes title II of the MPRSA to continue for 2 years the comprehensive research program for ocean dumping. Authorization levels are set at \$13,500,000 for fiscal year 1989 and \$14,500,000 for fiscal year 1990. The bill also requires that the comprehensive research plan authorized under this title be consistent with that prepared under the National Ocean Pollution and Planning Act of 1978. Finally, the Under Secretary of Commerce responsible for implementing the program is directed to report annually to Congress on progress made and funds spent during that year.

The amendments to title III of the MPRSA contained in H.R. 4210 have five primary objectives. First, this legislation will provide a system of special use permits for marine sanctuaries. Historically, NOAA has promoted multiple uses of sanctuaries, provided these uses are compatible with resource protection. Congress incorporated this multiple use concept into the 1984 amendments. However, questions continue to arise concerning the regulation of commercial activities within sanctuaries, especially regarding NOAA's authority to grant concessions for such activities. The bill would provide a mechanism for controlling activities which cannot adequately be controlled under current sanctuary regulations.

Second, the bill addresses a problem related to NOAA's ability to recover financial awards for damages to sanctuary resources. In recent years, two accidents have caused significant damage to marine sanctuary resources. In both incidents, NOAA sued and collected large cash settlements for the damage done to the sanctuaries. However, since NOAA presently lacks the explicit authority to recover monetary damages for destruction done to sanctuary resources, the settlement moneys were returned to the Treasury. H.R. 4210 would permit funds that are collected for resource damages to be returned to NOAA for sanctuary use.

Third, this legislation provides a specific schedule for the designation of four new sanctuaries, for the completion of prospectuses on two additional sanctuaries, and for the completion of studies on four more sites. NOAA has continued to drag its feet in designating new sanctuaries. Since we last reviewed the program in 1984, only one new sanctuary has been incorporated into the system. The four sites scheduled for final designation under this bill are Cordell Banks, Monterey Bay, Flower Garden Banks, and the Western Washington Outer Coast. While I feel that it is unfortunate that we, in

Congress, must legislate these designations, it is the only way I know that we can move the program along.

Fourth, the bill will establish guidelines for enforcement within marine sanctuaries similar to those already in place to protect other marine resources. This provision would provide for a more uniform enforcement authority under statutes protecting marine resources.

Finally, H.R. 4210 reauthorizes title III of the MPRSA for 4 years. The National Marine Sanctuaries Program was last authorized in 1984. At that time, \$3,000,000 was authorized for fiscal year 1985, increasing to \$3,900,000 for fiscal year 1988. H.R. 4210 would authorize \$4,250,000 for fiscal year 1989, \$4,900,000 for fiscal year 1990, \$5,550,000 for fiscal year 1991, and \$5,950,000 for fiscal year 1992. These sums are subdivided into funds for general administration of the program, management of sanctuaries, and site review and analysis.

In addition to the major changes outlined above, the bill includes minor changes to provisions governing the sanctuary designation procedure, research promotion and coordination, cooperative agreements and donations, the Channel Islands sanctuary and the U.S.S. *Monitor* sanctuary.

In closing, let me emphasize that I believe this legislation is necessary to provide a renewed sense of direction to the National Marine Sanctuaries Program. It will reaffirm our long-term commitment to conserving and protecting our nationally significant marine resources. I urge my colleagues to support this important legislation.

Mr. ADAMS. Mr. President, I rise in support of this legislation, which includes amendments to title III of the Marine Protection, Research, and Sanctuaries Act. There are two provisions in this bill of particular importance to Washington State.

First, the bill directs the Secretary to designate a National Marine Sanctuary on the Western Washington Outer Coast by no later than June 30, 1990. Second, the bill directs the Secretary to complete a prospectus regarding a possible Northern Puget Sound sanctuary by March 31, 1991. Both of these proposals were on the site evaluation list published in the Federal Register in 1983. Because this administration has been so slow in the overall designation process, it is proper at this time to direct them to finish these procedures for these sites by a date certain.

As regards the Western Washington Outer sanctuary, let me emphasize that all this bill does is direct the Secretary to designate a sanctuary in that area by a date certain. Details of the designation, such as boundaries and specific regulations will be determined through the normal designation proc-

ess. I fully expect that both this process, and the process of developing a prospectus for the proposed Northern Puget Sound sanctuary in the San Juan Islands, will include significant and ongoing consultation with all affected and interested local governments, State agencies, Indian tribes, and interested citizens.

Finally, I would like to note that both proposed sanctuaries may include within their potential boundaries the usual and accustomed treaty fishing areas of several Indian tribes in Washington State. In addition, the Western Washington Outer Coast site may directly border several reservations. Indian treaty fishing rights and the sovereignty enjoyed by Indian tribes within the boundaries of their reservations exist as the result of treaties entered into between Indian tribes and the U.S. Government, and the Federal Government has a continuing obligation under the Federal trust responsibility to ensure that exercise of such rights and sovereignty is not unfairly impacted by other Federal management activities. I am certain that the Secretary will do this utmost in regards to both of these proposals to insure that the concerns of each affected tribe are addressed on an ongoing basis. Finally, it is my understanding that my concerns on this subject are shared by my colleague in the Washington State delegation, Congressman Lowry, the author of the companion provisions in the House bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3676) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, the measure before us reauthorize one of the most significant environmental programs ever enacted: title III of the Marine Protection, Research, and Sanctuaries Act of 1972 [MPRSA], the Marine Sanctuaries Program of the National Oceanic and Atmospheric Administration [NOAA]. I am a cosponsor of this legislation in the Senate, S. 2761. I am pleased that both Senate and House bills designate two northern California coastal areas as marine sanctuaries, Monterey Bay and Cordell Bank off Point Reyes. The legislation will also direct NOAA to launch a preliminary study toward making a marine sanctuary of Santa Monica Bay.

Cordell Bank, Monterey Bay, and Santa Monica Bay are marine environments of national importance. In keeping with the purpose of the Marine

Sanctuaries Program, designating these areas as marine sanctuaries will protect their precious natural resources against pollution and despoilation.

Cordell Bank lies off the coast of California west of Point Reyes and slightly north of the gulf of the Farallones National Marine Sanctuary. It is home to a large number of marine bird and mammal species. The endangered humpback and blue whales feed in surrounding waters. This rocky underwater island is a living marine garden of fish and invertebrate species. Cordell Bank was proposed for sanctuary designation in 1981. It is time to give this magnificent resource sanctuary status and a protection plan.

California's Monterey Bay is habitat for many species of marine life, including whales and sea otters. It was proposed for sanctuary status in 1978, but dropped from consideration by the Department of Commerce in 1983. The unique qualities of the bay call for protection through sanctuary designation. Monterey Bay contains the largest underwater canyon on the North American coast, deeper than the Grand Canyon. Its exceptionally rich fish population is the resource of a thriving fishing industry. There are many other bay-dependent industries that prime the local economy—tourism, sport fishing, and restaurants. But despite its economic importance and its important as a marine resource, Monterey Bay is threatened by offshore drilling and by pollutants. Designation of the bay as a national marine sanctuary will accelerate the coordination efforts of State and local officials for bay protection and keep this incredible resource from being diminished.

The bill before us includes a study of Santa Monica Bay for possible designation as a national marine sanctuary. The northern portion of this southern California bay area is adjacent to the Santa Monica Mountains National Recreation Area, 150,000 acres of mountains and seashore. The Bay's marine resources include extensive kelp beds off its westerly and southern points. It is home to several endangered species of birds and mammals. The bay is part of the path for the annual migration of the gray whale. Last year, some 55 million visitors came to the beaches that surround the bay. The preservation of Santa Monica Bay may very well depend upon its designation as a marine sanctuary. A study of its merits for designation is well deserved.

Mr. President, I congratulate the distinguished chairman of the Senate Commerce Committee, Mr. HOLLINGS, for his willingness to press for this legislation and to include these California designations and study at my request. His leadership is, once again, advancing

the cause of preservation of our magnificent coastal resources.

Mr. KERRY. Mr. President, I rise today to strongly urge my colleagues to support H.R. 4210, legislation which will reauthorize titles II and III of the Marine Protection, Research, and Sanctuaries Act of 1972 [MPRSA]. This bill authorizes marine research ocean monitoring, and the Marine Sanctuary Program of the National Oceanic and Atmospheric Administration [NOAA]. Our Nation and, in particular, my home State of Massachusetts share a strong marine heritage. Our legislation protects that heritage through sound marine resource management of our sanctuaries and comprehensive monitoring and research programs, including the effects of pollution and ocean dumping on this marine environment. Title II of MPRSA provides for essential programs to assess the health of our Nation's ocean, coastal waters and estuaries. The Nation's Marine Sanctuary Program (title II) has been successful in preserving and protecting significant ocean resources in the Atlantic and Pacific Oceans as well as the Gulf of Mexico.

MPRSA title II supports NOAA programs which make up a coordinated national research effort toward understanding and protecting our coastal/ocean resources. Among the NOAA programs sponsored under title II are: the Hazardous Materials Response Program, which conducts long term resource assessments under the Superfund law and meets hazardous materials emergencies; the Status and Trends Program, which monitors water quality data and issues reports on our Nation's estuaries; and the Consequences of Contamination Program, which examines the effect of chemical contamination on marine life. H.R. 4210 will strengthen these programs by authorizing additional funds for research and will allow the pollution assessment programs to expand into the Great Lakes where it is greatly needed. In both marine and fresh water environments we must seek a better understanding of the fate and effects of contaminants which have been pouring into our Nation's waters for many years.

MPRSA title III contains language similar to S. 2761, the Marine Sanctuaries Authorization Act of 1988, which Senator HOLLINGS and I introduced earlier this year. It will authorize NOAA's Marine Sanctuary Program and move it ahead from the administration's stalled position. Current marine sanctuary sites include unique coral reefs, large tracts of ocean inhabited by threatened marine mammals and sea birds, and a shipwreck site of the Civil War ironclad the U.S.S. *Monitor*. Seven sites have been designated as sanctuaries by the Secre-

tary of Commerce since the U.S.S. *Monitor* sanctuary was first designated in 1975. But in the past 8 years only one additional sanctuary site has been designated. Congress created a good program, which this administration has chosen to ignore. The lack of activity is inappropriate, particularly since the General Accounting Office evaluated NOAA's Marine Sanctuary Program in 1981 and concluded that the program was extremely important to marine resource management and conservation and should therefore be federally supported. In their study the General Accounting Office showed the great benefits the program offered ocean resources by ensuring their long-term preservation. The report further highlighted the positive nature of public education about our valuable ocean resources as a result of the sanctuary program. This is a program which must continue to preserve our Nation's marine environment, including its historic marine sites.

The administration has stalled and delayed this program unnecessarily and it is time to move the program forward. Our legislation does precisely that. It requires the Secretary of Commerce to designate one new sanctuary each year for the next 4 years. These include Cordell Banks, off California; Flower Garden Banks off Texas; Monterey Bay, CA, and Washington State's Outer Coast. It also requires the Secretary to prepare a prospectus and submit them to Congress for the designation of two other sites. In addition it sets a limit of 30 months for the Secretary to establish a sanctuary once a specific site has been named an active candidate.

One proposal in the legislation of particular importance to the people of New England, is the directive to the Secretary of Commerce to prepare a prospectus on Stellwagen Bank. This will begin the process to consider it as a national marine sanctuary site. Stellwagen Bank is a tremendous natural resource situated between Provincetown and Gloucester. It is a rich spawning ground for fish. It also sustains an abundance of marine mammals, birds, and turtles making this bank essential for commercial and recreational fishermen, as well as a prime area for whale watching. Currently Stellwagen Bank is threatened by growing pressure from conflicting uses such as shoreline development, offshore development, and industrial activities. By initiating a prospectus and investigating the merits of designating Stellwagen Bank as a national marine sanctuary we will get a true understanding into what type of activities the bank will sustain. At the same time we will be protecting this precious resource from damaging activities.

The legislation before us also strengthens title III of the MPRSA by

providing that funds collected for sanctuary damage must be returned to NOAA for sanctuary restoration. In addition it allows for special use permits to be issued within the sanctuary system. These permits will allow both public and commercial activities to occur as long as they do not violate the resource protection and management in specific sanctuaries. Finally our legislation enhances law enforcement authority in marine sanctuaries to ensure the same protection for marine resources within the sanctuaries as we have for fishery conservation and marine mammal protection. This will allow NOAA to practice more uniform enforcement conduct.

Mr. President, I congratulate those Members of both the House and Senate who have worked so hard to create this much needed legislation. This legislation comes at a time when degradation of our coastal environment is beginning to make itself felt across this great Nation. We must encourage the passage of this legislation to ensure that we do not lose the rich heritage of our Nation's coastal lands and waters.

Mr. President, I again urge my fellow Senators to support H.R. 4210.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 4210), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 110, S. 2761, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING HUMANITARIAN TREATMENT OF SOUTHEAST ASIA REFUGEES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 303, commending humanitarian treatment of Southeast Asia refugees and urging further measures to ensure humanitarian treatment of the refugees; that the concurrent resolution be agreed to; and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 303) was agreed to.

The preamble was agreed to.

COMMENDING YAKUTAT ELEMENTARY SCHOOL FOR EXCELLENCE IN EDUCATION

Mr. GARN. Mr. President, I send to the desk a resolution on behalf of Senator STEVENS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

A resolution (S. Res. 495) commending Yakutat Elementary School for excellence in education.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, the elementary school in Yakutat, AK, has only 77 students. Yet tiny Yakutat Elementary School has been chosen as one of our Nation's outstanding educational institutions.

It is one of a handful of schools, among the 74,000 school districts across the Nation, to receive the Excellence Award from the President and the U.S. Department of Education.

Yakutat is hundreds of air miles from the nearest urban center. Yakutat's students cannot easily travel to other cities. No roads cross the St. Elias Mountains and the Malaspina Glacier, which serve as a backdrop to the community on the beautiful crescent of Yakutat Bay.

But the students of Yakutat, competing with youngsters who have libraries and museums and major learning centers at their doorsteps, have been chosen for this special recognition.

The award didn't come easily. Almost a year ago, a 100-member panel, appointed by the U.S. Department of Education, began the process of reviewing almost 700 schools nominated for the honor.

Panel members chose 364 schools for further evaluation. Traveling to every corner of our country, including Yakutat, they met with parents, teachers and staff members, community leaders, and students.

When the study was completed, Yakutat was one of 287 schools recommended for the recognition. It is the smallest school to receive the award, in terms of size and student body. But it is large in its accomplishments.

Yakutat Elementary is representative of the many small rural schools that dot my home State.

Despite small size, remote geographical location, and harsh weather conditions, Alaska's rural schools provide solid programs of instruction.

in the Republic of Vietnam during the Vietnam conflict.

MARINE PROTECTION, RESEARCH, AND SANCTUARIES

HOLLINGS AMENDMENT NO. 3676

Mr. BYRD (for Mr. HOLLINGS) proposed an amendment to the bill (H.R. 4210) to reauthorize title II of the Marine Protection, Research, and Sanctuaries Act of 1972, for fiscal years 1989 and 1990, and for other purposes; as follows:

In section 205(b), insert "and (a)(5)" immediately after "section 304(a)(1)(C)" and immediately after "16 U.S.C. 1434(a)(1)(C)". Strike title III and title IV.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 12, 1988, to hold a hearing on and to consider the nominations of Malcolm M.B. Sterrett to be General Counsel and Mary T. Goedde to be Assistant Secretary for Legislation of the Department of Health and Human Services; Charles H. Dallara to be Assistant Secretary of Policy Development, and Edith E. Holiday to be Assistant Secretary of Public Affairs and Public Liaison of the Department of the Treasury.

The PRESIDING OFFICER. Without objection it is ordered.

ADDITIONAL STATEMENTS

"KIDS" HAVE THEIR DAY

● Mr. SASSER. Mr. President, this is to commend the volunteers and sponsors associated with the Washington Congressional Concours D'Elegance which benefited "Kids, Inc." "Kids" is among the largest of the national nonprofit organizations which fulfill dreams of gravely ill children. I was pleased to have served as an honorary judge at the event along with the Honorable Henry Giugni.

A group of more than 50 dedicated volunteers organized and operated the Washington Congressional Concours D'Elegance, an antique and classic car show which was attended by several thousand spectators, in Potomac, MD, on May 15, 1988. Their hard work and determination will enable "Kids" to bring much happiness to these children and their families.

In particular, I wish to commend Mr. Lew Delafield, event chairman, and Lt. Col. Frank Norton, deputy chairman, as well as committee members John and Jan Campbell who founded "Kids", Ms. Barbara Dana, Ms. Joan

Dawson, Bob and Beth Fitzpatrick, Mr. Robert Hurt, Mr. Dick James, Lt. Col. Jack MacNeill, Ms. Gina Rowe, and Mr. Bob Steward for their efforts on behalf of children whose time to dream is so limited.

The generous sponsors of the organization and the event included RJR Nabisco, General Electric Co., Philip Morris Cos., General Motors, Hughes Aircraft, Mantech International, Montgomery Donuts/Tiers of Joy, Pizza Movers and Hecht Co.-Tysons Corner.

I am confident that the members of "Kids'" board of advisors share my sentiments in commending all those participants, volunteers and sponsors who gave so freely of their time, energy and financial support in order to make this such a special event.●

EGG RESEARCH AND CONSUMER INFORMATION ACT

● Mr. FOWLER. Mr. President, I rise today to thank my colleagues and to express my pleasure that the Senate passed legislation last night to keep alive the American Egg Board.

Georgia is one of the Nation's leading egg producers. Throughout the mountainous regions in the northern part of my State, there are thousands of henhouses spread out in the valleys and nestled into the hillsides. Some are owned by large outfits like Arbor Acres. Others are owned and managed by families of moderate means, who may rely on the income of a single chicken house to maintain their traditional home in the mountains.

The egg industry in north Georgia—and I'm sure the situation is similar in other States—makes important contributions to the economy, at every level. It makes important contributions to the social stability and continuity of the region, providing families with a way to make a living in the small towns and countryside, so that they do not have to join the exodus to the cities in order to provide for their children and improve their standard of living.

And, of course, it goes without saying that egg producers make an important contribution to our Nation's food supply.

But the egg industry is in the midst of a difficult period of adjustment—as it adapts to major developments affecting sales and production, ranging from cholesterol concerns to serious droughts. In the past 18 months, 20 percent of egg producers have gone out of business.

The legislation passed last night by the Senate will allow the egg industry, through assessments paid by producers to the American Egg Board, to address its own problems and work to solidify its own position in the market. It will allow egg producers to employ methods that have already proven suc-

cessful in similar situations for the beef, pork, and dairy industries.

We have given egg producers the means they sought to help themselves. I am confident that, using this tool, they will manage to correct these temporary problems. Again, I am happy to see that the Senate has taken this course of action, knowing how important it is to families, small businesses and communities throughout north Georgia and many other parts of our Nation.●

CONTRACTS FOR RESIDENTIAL CONSTRUCTION

● Mr. DeCONCINI. Mr. President, I would like to call my colleagues' attention to an issue of great importance to the homebuilding industry in this country. As many of you know, I previously introduced a bill, S. 2694, which clarifies that contracts for residential construction, which are completed in less than 12 months, should be exempt from the requirements to use the percentage completion method. The urgency of this proposal has increased in light of provisions in the House-passed technical bill.

In both the 1986 Tax Reform Act and in the 1987 Budget Reconciliation Act, we legislated cutbacks in the completed contracts method of accounting. I think all of us believed that these cutbacks would primarily affect the long-term contracts of defense contractors, not contracts for the construction of homes. Nevertheless, the Internal Revenue Service issued a notice, Advance Notice 88-66, earlier this year which took actions previously inconceivable.

The cutbacks in the completed contracts method of accounting contained in both the 1986 and 1987 tax bills were aimed at forcing the governments contractors, who often receive substantial progress payments from the U.S. Government, to pay a fair share of tax on these progress payments as they are received. It was thought that requiring these contractors to pay tax based on a "percentage of completion" of the contract would more correctly match the economic benefits of the Government payments with the taxes required to be paid.

The homebuilders were caught in the definition of "long-term contract," because they often receive a small deposit to build a home in one taxable year, but do not complete a home until the following taxable year. Unlike the defense contractors, however, the homebuilders receive very small down payments and usually incur significant costs to develop the land and finish the home before receiving the final payment for it. The homebuilder does not receive progress payments, and the small deposit is kept in an escrow account and cannot be used to offset

Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of food consumed in the United States, with the provision for the conduct of scientific research and development in support of such program and plan;

S. 1382. An act to amend the National Energy Conservation Policy Act with respect to the energy policy of the United States;

S. 1476. An act to designate the Federal Records Center Extension Building 109 under construction in Overland, MO, as the "Charles F. Prevedel Federal Building";

S. 1827. An act to designate the Federal Building and United States Courthouse located at 300 Booth Street in Reno, NV, as the "C. Clifton Young Federal Building and United States Courthouse";

S. 1851. An act to implement the International Convention on the Prevention and Punishment of Genocide;

S. 1863. An act to amend the bankruptcy law to provide for special revenue bonds, and for other purposes;

S. 1919. An act for the relief of Michael Wilding;

S. 1991. An act entitled the "Uranium Mill Tailings Remedial Action Amendments Act of 1988";

S. 2201. An act to extend for an additional 8-year period certain provisions of title 17, United States Code, relating to the rental of sound recordings, and for other purposes;

S. 2344. An act to reauthorize the Office of Government Ethics, and for other purposes;

S. 2361. An act to amend title 18, United States Code, to preserve personal privacy with respect to the rental, purchase, or delivery of video tapes, or similar audio visual materials;

S. 2498. An act to provide for the leasing of certain real property to the American National Red Cross, District of Columbia Chapter, for the construction and maintenance of certain buildings and improvements;

S. 2637. An act for the relief of Gillian Lesley Sackler;

S. 2752. An act to declare that certain lands be held in trust for the Quinault Indian Nation, and for other purposes;

S. 2835. An act to designate the U.S. Post Office and Courthouse located at 151 West Street in Rutland, VT, as the "Robert T. Stafford United States Courthouse and Post Office";

S. 2885. An act to amend the Hunger Prevention Act of 1988 to make a technical correction;

H.R. 441. An act for the relief of the heirs of M. Sgt. Nathaniel Scott, U.S. Army, retired, deceased;

H.R. 610. An act for the relief of Calvin L. Graham;

H.R. 712. An act for the relief of Lawrence K. Lunt;

H.R. 1149. An act to amend the Foreign Sovereign Immunities Act with respect to admiralty jurisdiction;

H.R. 1388. An act for the relief of David Butler, Aldo Cirone, Richard Denisi, Warren Fallon, Charles Hotton, Harold Johnson, Jean Lavoie, Vincent Maloney, Austin Mortensen, Kurt Olofsson, and John Jenks;

H.R. 1418. An act for the relief of Rick Hangartner, Russell Stewart, and David Walden;

H.R. 1473. An act to designate the building which will house the U.S. District Court

for the Eastern District of Texas in Lufkin, TX, as the Ward R. Burke United States Courthouse";

H.R. 2109. An act for the relief of Roas Pratts;

H.R. 2461. An act for the relief of Milena and Bozena Meslin;

H.R. 2472. An act to provide authorization of appropriations for activities of the National Telecommunications and Information Administration;

H.R. 2511. An act for the relief of Tarek Mohamad Mahmoud;

H.R. 2756. An act granting consent and approval of Congress to the addition of the State of Ohio as a party to the Middle Atlantic Interstate Forest Fire Protection Compact;

H.R. 2802. An act for the relief of Fleur-ette Seidman;

H.R. 2806. An act to amend the Federal Land Policy and Management Act of 1976 to permit temporary use for military purposes of public lands in Alaska managed by the Bureau of Land Management, Department of the Interior, and for other purposes;

H.R. 3146. An act to clarify certain restrictions on distribution of advertisements and other information concerning lotteries and similar activities;

H.R. 3238. An act for the relief of Maria Linda Sy Gonzalez;

H.R. 3327. An act to designate the Federal building located at 324 West Market Street in Greensboro, NC, as the "L. Richardson Preyer, Jr. Federal Building and United States Courthouse and Post Office";

H.R. 3614. An act to authorize a study of the Hanford Reach of the Columbia River, and for other purposes;

H.R. 3917. An act for the relief of Rajani Lal;

H.R. 4118. An act to amend and extend the authorization of appropriations for public broadcasting, and for other purposes;

H.R. 4124. An act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes;

H.R. 4210. An act to authorize appropriations to carry out titles II and III of the Marine Protection, Research, and Sanctuaries Act of 1972, to establish the National Oceans Policy Commission, and for other purposes;

H.R. 4211. An act to reauthorize the National Ocean Pollution Planning Act of 1978 for fiscal years 1989 and 1990, and for other purposes;

H.R. 4236. An act to amend the act of June 6, 1900, to increase the number of trustees of the Frederick Douglass Memorial and Historical Association;

H.R. 4352. An act to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes;

H.R. 4432. An act to amend title 14, United States Code, to require certain detailed tabulations relating to Asian Americans and Pacific Islanders in the decennial censuses of population;

H.R. 4517. An act to amend title III of the Outer Continental Shelf Lands Act Amendments of 1978 to provide for indemnification and hold harmless agreements;

H.R. 4574. An act to amend title 5, United States Code, with respect to certain programs under which awards may be made to Federal employees for superior accomplishments or cost savings disclosures, and for other purposes;

H.R. 4686. An act to amend the Federal Aviation Act of 1958 relating to aviation research;

H.R. 4919. An act to approve the governing international fishery agreement between the United States and the Union of Soviet Socialist Republics, and for other purposes;

H.R. 5104. An act to improve the efficiency and effectiveness of the management and disposal of Federal real and personal property;

H.R. 5334. An act to make certain technical and conforming amendments to the Education of the Handicapped Act and the Rehabilitation Act of 1973, and for other purposes;

H.R. 5552. An act to provide that the Consumer Product Safety Commission amend its regulations regarding lawn darts;

S.J. Res. 261. Joint resolution designating the month of November 1988 as "National Alzheimer's Disease Month";

S.J. Res. 272. Joint resolution to designate November 1988, as "National Diabetes Month";

S.J. Res. 280. Joint resolution to designate the week of November 27, 1988, through December 3, 1988, as "National Home Care Week";

S.J. Res. 301. Joint resolution designating January 20, 1989, as "National Skiing Day";

S.J. Res. 306. Joint resolution designating the day of August 7, 1989, as "National Lighthouse Day";

S.J. Res. 319. Joint resolution to designate the period commencing November 6, 1988, and ending November 12, 1988, as "National Disabled Americans Week";

S.J. Res. 324. Joint resolution to designate February 1989 as "America Loves Its Kids Month";

S.J. Res. 342. Joint resolution to designate the week of November 5, 1988, as "National Book Week";

S.J. Res. 438. Joint resolution designating November 4, 1988, as "National Teacher Appreciation Day";

S.J. Res. 446. Joint resolution designating October 30 through November 5, 1988, as "National Jukebox Week";

H.J. Res. 573. Joint resolution to designate the week beginning November 13, 1988, as "National Craniofacial Awareness Week";

H.J. Res. 604. Joint resolution designating February 5 through 11, 1989, as "National Burn Awareness Week";

H.J. Res. 626. Joint resolution designating September 13, 1989, as "Uncle Sam Day";

H.J. Res. 649. Joint resolution designating November 12, 1988, as "National Firefighter Day";

H.J. Res. 654. Joint resolution designating November 4 through 10, 1988, as the "Week of Remembrance of Kristallnacht"; and

H.J. Res. 677. Joint resolution changing the date for the counting of the Electoral vote by Congress to January 4, 1989.

The following enrolled bills were signed on October 27, 1988, subsequent to the sine die adjournment of the Congress by the President pro tempore [Mr. STENNIS]:

S. 850, S. 1048, S. 1081, S. 1382, S. 1851, S. 1863, S. 1919, S. 1991, S. 2201, S. 2344, S. 2361, S. 2496, S. 2752, S. 2835, H.R. 2472, H.R. 2756, H.R. 2806, H.R. 3146, H.R. 3614, H.R. 4118, H.R. 4124, H.R. 4210, H.R. 4211, H.R. 4352, H.R. 4432, H.R. 4517, H.R. 4574, H.R. 4686, H.R. 4919, H.R. 5104, and H.R. 5334.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and Joint Resolutions of the House of the following titles, which were thereupon signed by the Speaker:

On October 28, 1988:

H.R. 441. An act for the relief of the heirs of M.S. Nathaniel Scott, U.S. Army, retired, deceased;

H.R. 610. An act for relief of Calvin L. Graham;

H.R. 712. An act for the relief of Lawrence K. Lunt;

H.R. 1149. An act to amend the Foreign Sovereign Immunities Act with respect to admiralty jurisdiction;

H.R. 1338. An act for the relief of David Butler, Aldo Cirone, Richard Denisi, Warren Fallon, Charles Hotton, Harold Johnson, Jean Layole, Vincent Maloney, Austin Mortensen, Kurt Olofsson, and John Jenks;

H.R. 1418. An act for the relief of Rick Hangartner, Russell Stewart, and David Walden;

H.R. 1473. An act to designate the building which will house the U.S. District Court for the Eastern District of Texas in Lufkin, TX, as the "Ward R. Burke United States Courthouse";

H.R. 2109. An act for the relief of Rosa Pratts;

H.R. 2461. An act for the relief of Milena and Bozena Mesin;

H.R. 2472. An act to provide authorization of appropriations for activities of the National Telecommunications and Information Administration;

H.R. 2511. An act for the relief of Tarek Mohamed Mahmoud;

H.R. 2758. An act granting the consent and approval of Congress to the addition of the State of Ohio as a party to the Middle Atlantic Interstate Forest Fire Protection Compact;

H.R. 2802. An act for the relief of Fleur-ette Seidman;

H.R. 2808. An act to amend the Federal Land Policy and Management Act of 1976, to permit temporary use for military purposes of public lands in Alaska managed by the Bureau of Land Management, Department of the Interior, and for other purposes;

H.R. 3146. An act to clarify certain restrictions on distribution of advertisements and other information concerning lotteries and similar activities;

H.R. 3238. An act for the relief of Maria Linda Sy Gonzalez;

H.R. 3327. An act to designate the Federal building located at 324 West Market Street in Greensboro, NC, and the "L. Richardson Freyer, Jr. Federal Building and United States Courthouse and Post Office";

H.R. 3614. An act to authorize a study of the Hanford Reach of the Columbia River, and for other purposes;

H.R. 3917. An act for the relief of Rajani Lal;

H.R. 4118. An act to amend and extend the authorization of appropriations for public broadcasting, and for other purposes;

H.R. 4124. An act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes;

H.R. 4210. An act to authorize appropriations to carry out titles II and III of the Marine Protection, Research, and Sanctuaries Act of 1972, to establish the National Oceans Policy Commission, and for other purposes;

H.R. 4211. An act to reauthorize the National Ocean Pollution Planning Act of 1978 for fiscal years 1989 and 1990, and for other purposes;

H.R. 4236. An act to amend the Act of June 6, 1900, to increase the number of trustees of the Frederick Douglas Memorial and Historical Association;

H.R. 4352. An act to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes;

H.R. 4432. An act to amend title 13, United States Code, to require certain detailed tabulations relating to Asian Americans and Pacific Islanders in the decennial censuses of population;

H.R. 4517. An act to amend title III of the Outer Continental Shelf Lands Act Amendments of 1978 to provide for indemnification and hold harmless agreements;

H.R. 4574. An act to amend title 5, United States Code, with respect to certain programs under which awards may be made to Federal employees for superior accomplishments or cost savings disclosures, and for other purposes;

H.R. 4688. An act to amend the Federal Aviation Act of 1958 relating to aviation research;

H.R. 4949. An act to approve the governing international fishery agreement between the United States and the Union of Soviet Socialist Republics, and for other purposes;

H.R. 5104. An act to improve the efficiency and effectiveness of the management and disposal of Federal real and personal property;

H.R. 5334. An act to make certain technical and conforming amendments to the Education of the Handicapped Act and the Rehabilitation Act of 1973, and for other purposes;

H.R. 5552. An act to provide that the Consumer Product Safety Commission amend its regulations regarding lawn darts;

H.J. Res. 438. Joint resolution designating November 4, 1988, as "National Teacher Appreciation Day";

H.J. Res. 446. Joint resolution designating October 30 through November 5, 1988, as "National Jukebox Week";

H.J. Res. 573. Joint resolution to designate the week beginning November 13, 1988, as "National Craniofacial Awareness Week";

H.J. Res. 604. Joint resolution designating February 5 through 11, 1989, as "National Burn Awareness Week";

H.J. Res. 626. Joint resolution designating September 13, 1989, as "Uncle Sam Day";

H.J. Res. 649. Joint resolution designating November 12, 1988, as "National Firefighters Day";

H.J. Res. 654. Joint resolution designating November 4 through 10, 1988, as the "Week of Remembrance of Kristallnacht"; and

H.J. Res. 677. Joint resolution changing the date for the counting of the Electoral vote by Congress to January 4, 1989.

On October 27, 1988:

H.R. 593. An act to request the President to award a gold medal on behalf of Congress to Andrew Wyeth, and to provide for the production of bronze duplicates of such medal for sale to the public;

H.R. 1807. An act to amend the Small Business Act to reform the Capital Owner-

ship Development Program, and for other purposes;

H.R. 4030. An act to reauthorize and amend certain wildlife laws, and for other purposes;

H.R. 4333. An act to make technical corrections relating to the Tax Reform Act of 1986, and for other purposes;

H.R. 4362. An act to amend section 3 of the Act of June 14, 1926, as amended (43 U.S.C. 869-2), to authorize the issuance of patents with a limited reverter provision of lands devoted to solid waste disposal, and for other purposes;

H.R. 4399. An act to facilitate commercial access to space, and for other purposes;

H.R. 4445. An act to amend title 18, United States Code, to prohibit certain firearms especially useful to terrorists;

H.R. 5102. An act to amend the provisions of title 5, United States Code, relating to the health benefits program for Federal employees and certain other individuals;

H.R. 5115. An act to extend for 2 years section 314 of the Immigration Reform and Control Act of 1986, to make additional visas available to immigrants from underrepresented countries to enhance diversity in immigration, and to extend through December 31, 1989, H-1 nonimmigrant status for certain registered nurses; and

H.J. Res. 137. Joint resolution designating the month of May, 1989, as "National Asparagus Month."

On November 3, 1988:

H.R. 1975. An act to protect cave resources on Federal lands, and for other purposes;

H.R. 3048. An act to establish a national Federal program effort in close collaboration with the private sector to develop as rapidly as possible the applications of superconductivity to enhance the Nation's economic competitiveness and strategic well-being, and for other purposes;

H.R. 3313. An act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes;

H.R. 3680. An act to revoke certain public land orders, transfer certain public lands, and for other purposes;

H.R. 3911. An act to amend title 18, United States Code, to provide increased penalties for certain major frauds against the United States;

H.R. 3957. An act to establish the Delaware and Lehigh Navigation Canal National Heritage Corridor in the Commonwealth of Pennsylvania;

H.R. 4039. An act to declare that certain lands in the State of California which form a part of the right-of-way granted by the United States to the Central Pacific Railway Company have been abandoned, and for other purposes;

H.R. 4212. An act to amend the joint resolution of April 27, 1962, to permit the Secretary of the Interior to establish the former home of Alexander Hamilton as a national memorial at its present location in New York, NY;

H.R. 4807. An act to amend title 28, United States Code, to make certain improvements with respect to the Federal judiciary, and for other purposes;

H.R. 4847. An act to amend the Federal Hazardous Substances Act to require the labeling of chronically hazardous art materials and for other purposes;

H.R. 4972. An act to authorize appropriations for the Patent and Trademark Office in the Department of Commerce, and for other purposes;

H.R. 5133. An act to improve the procedures and remedies for the prevention of insider trading, and for other purposes;

H.R. 5280. An act to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the U.S. Congress;

H.R. 5287. An act to establish the Panama Canal Commission Compensation Fund to provide for the accumulation of funds to meet the Panama Canal Commission's obligations under chapter 81 of title 5, United States Code, and for other purposes;

H.R. 5315. An act to amend the Congressional Award Act to extend the Congressional Award program;

H.J. Res. 564. Joint resolution designating the first week of April 1989 as "National Earthquake Awareness Week"; and

H.J. Res. 650. Joint resolution designating April 1989 as "Actors' Fund of America Appreciation Month."

On November 4, 1988:

H.R. 2707. An act to amend the Disaster Relief Act of 1974 to provide for more effective assistance in response to major disasters and emergencies, and for other purposes;

H.R. 2839. An act to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, to unify the land base of the Goshute Reservation, to simplify the boundaries of the Goshute Reservation, and for other purposes;

H.R. 3011. An act to amend the Truth in Lending Act to establish additional disclosure, advertising, and other requirements for home equity loans;

H.R. 3105. An act to revise, consolidate, and enact certain laws related to shipping definitions and maritime commercial instruments and liens as subtitle III of title 46, United States Code, "Shipping," and for other purposes;

H.R. 4189. An act to authorize appropriations to carry out the Marine Mammal Protection Act of 1972 for fiscal years 1989 through 1993;

H.R. 4612. An act to amend title 28, United States Code, to provide for an exclusive remedy against the United States for suits based upon certain negligent or wrongful acts or omissions of U.S. employees committed within the scope of their employment, and for other purposes;

H.R. 4879. An act to amend the Depository Institution Management Interlocks Act to revise the manner in which the service of directors of depository institutions and depository holding companies are regulated, and for other purposes;

H.R. 5043. An act to amend section 207 of title 18, United States Code, relating to restrictions on post-employment activities;

H.R. 5210. An act to prevent the manufacturing, distribution, and use of illegal drugs, and for other purposes;

H.R. 5232. An act to grant the consent of the Congress to the Southwestern Low-Level Radioactive Waste Disposal Compact;

H.R. 5261. An act to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes; and

H.R. 5580. An act to amend the Public Health Service Act, and the Health Omnibus Programs Extension of 1988, to make technical corrections relating to the Health Omnibus Programs Extension of 1988.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

The SPEAKER announced on the following dates his signature to enrolled bills and joint resolutions of the Senate of the following titles:

On October 22, 1988:

S. 2751. An act to designate certain lands in Montana as wilderness, to release other forest lands for multiple use management, and for other purposes.

On October 25, 1988:

S. 2889. An act to amend the Public Health Service Act to establish certain health programs, to revise and extend certain health programs, and for other purposes;

S.J. Res. 302. Joint resolution to designate October 1988 as "National Down Syndrome Month";

S.J. Res. 335. Joint resolution to designate the last full week of October, October 23 through October 29, 1988, as "National Adult Immunization Awareness Week";

S.J. Res. 378. Joint resolution designating the week of October 2 through 8, 1988, as "National Wild and Scenic Rivers Act Week"; and

S.J. Res. 381. Joint resolution to designate October 30, 1988, as "Fire Safety at Home Day—Change Your Clock, Change Your Battery."

On October 26, 1988:

S. 850. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Rio Chama River in New Mexico as a component of the National Wild and Scenic Rivers System;

S. 1048. An act to amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, and for other purposes;

S. 1081. An act to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of food consumed in the United States, with the provision for the conduct of scientific research and development in support of such program and plan;

S. 1382. An act to amend the National Energy Conservation Policy Act with respect to the energy policy of the United States;

S. 1476. An act to designate the Federal Records Center Extension Building 109 under construction in Overland, MO, as the "Charles F. Prevedel Federal Building";

S. 1827. An act to designate the Federal building and U.S. courthouse located at 300 Booth Street in Reno, NV, as the "C. Clifton Young Federal Building and United States Courthouse";

S. 1851. An act to implement the International Convention on the Prevention and Punishment of Genocide;

S. 1863. An act to amend the bankruptcy law to provide for special revenue bonds, and for other purposes;

S. 1919. An act for the relief of Michael Wilding;

S. 1991. An act entitled "Uranium Mill Tailings Remedial Action Amendments Act of 1988";

S. 2201. An act to extend for an additional 8-year period certain provisions of title 17, United States Code, relating to the rental of sound recordings, and for other purposes;

S. 2344. An act to reauthorize the Office of Government Ethics, and for other purposes;

S. 2361. An act to amend title 18, United States Code, to preserve personal privacy with respect to the rental, purchase, or delivery of video tapes or similar audio visual materials;

S. 2496. An act to provide for the leasing of certain real property to the American National Red Cross, District of Columbia Chapter, for the construction and maintenance of certain buildings and improvements;

S. 2637. An act for the relief of Gillian Lesley Sackler;

S. 2752. An act to declare that certain lands be held in trust for the Quinault Indian Nation, and for other purposes;

S. 2835. An act to designate the U.S. Post Office and Courthouse located at 151 West Street in Rutland, VT, as the "Robert T. Stafford United States Courthouse and Post Office";

S. 2885. An act to amend the Hunger Prevention Act of 1988 to make a technical correction;

S.J. Res. 261. Joint resolution designating the month of November 1988 as "National Alzheimer's Disease Month";

S.J. Res. 272. Joint resolution to designate November 1988, as "National Diabetes Month";

S.J. Res. 280. Joint resolution to designate the week of November 27, 1988, through December 3, 1988, as "National Home Care Week";

S.J. Res. 301. Joint resolution designating January 20, 1989, as "National Skiing Day";

S.J. Res. 306. Joint resolution designating the day of August 7, 1989, as "National Lighthouse Day";

S.J. Res. 319. Joint resolution to designate the period commencing November 6, 1988, and ending November 12, 1988, as "National Disabled Americans Week";

S.J. Res. 324. Joint resolution to designate February 1989 as "America Loves Its Kids Month"; and

S.J. Res. 342. Joint resolution to designate the week of November 5, 1988, as "National Book Week."

On November 3, 1988:

S. 11. An act to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to establish a Court of Veterans' Appeals and to provide for judicial review of certain final decisions of the Board of Veterans' Appeals; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; to increase the rates of compensation payable to veterans with service-connected disabilities; and to make various improvements in veterans' health, rehabilitation, and memorial affairs programs; and for other purposes;

S. 253. An act to convey Forest Service land to Flagstaff, AZ;

S. 795. An act to provide for the settlement of water rights claims of the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands of Mission Indians in San Diego County, CA, and for other purposes;

S. 1236. An act to reauthorize housing relocation under the Navajo-Hopi Relocation Program, and for other purposes;

S. 1630. An act to provide for retirement and survivors' annuities for bankruptcy judges and U.S. magistrates, and for other purposes;

S. 1842. An act for the relief of Mr. Wilhelm Jahn Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo David Schlechter;

S. 1883. An act to amend the act entitled "An act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes";

S. 2030. An act to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to provide for termination of ocean dumping of sewage sludge and industrial waste, and for other purposes;

S. 2042. An act to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial on Federal land in the District of Columbia or its environs to honor women of the Armed Forces of the United States who served in the Republic of Vietnam during the Vietnam era;

S. 2049. An act to amend title 38, United States Code, to improve the education, home loan guaranty, and other programs of the Veterans' Administration; and for other purposes;

S. 2100. An act to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes;

S. 2102. An act to prohibit the licensing of certain facilities on portions of the Salmon and Snake Rivers in Idaho, and for other purposes;

S. 2165. An act to designate wilderness within Olympic National Park, Mount Rainier National Park, and North Cascades National Park Service Complex in the State of Washington, and for other purposes;

S. 2186. An act to improve the efficiency and effectiveness of management of public buildings;

S. 2204. An act to implement the Inter-American Convention on International Commercial Arbitration;

S. 2209. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes;

S. 2215. An act to amend and extend the Office of Federal Procurement Policy Act, and for other purposes;

S. 2470. An act to promote energy conservation and technology competitiveness in the American steel and aluminum industries;

S. 2840. An act to provide for the designation and conservation of certain lands in the States of Arizona and Idaho, and for other purposes;

S. 2843. An act to amend the Federal Food, and Cosmetic Act to authorize abbreviated new animal drug applications and to amend title 35, United States Code, to authorize the extension of the patents for animal drug products;

S.J. Res. 192. Joint resolution to designate the month of October 1988, as "National AIDS Awareness and Prevention Month";

S.J. Res. 303. Joint resolution to designate the month of October 1988 as "National Lupus Awareness Month";

S.J. Res. 314. Joint resolution designating October 1988 as "Pregnancy and Infant Loss Awareness Month";

S.J. Res. 315. Joint resolution designating 1989 as "Year of the Young Reader";

S.J. Res. 325. Joint resolution designating the third week in May 1989 as "National Tourism Week";

S.J. Res. 327. Joint resolution commemorating January 28, 1989, as a "National Day of Excellence" in honor of the crew of the space shuttle Challenger;

S.J. Res. 332. Joint resolution to designate the period commencing December 11, 1988, and ending December 17, 1988, as "National Drunk and Drugged Driving Awareness Week";

S.J. Res. 340. Joint resolution designating November 27 through December 3, 1988, as "National Sir Winston Churchill Recognition Week";

S.J. Res. 352. Joint resolution designating September 24, 1989, as "United States Marshals Bicentennial Day";

S.J. Res. 365. Joint resolution to designate January 28, 1989, as "National Challenger Center Day" to honor the crew of the space shuttle Challenger;

S.J. Res. 386. Joint resolution to designate the week of June 18 through June 24, 1989, as "National Grasslands Week"; and

S.J. Res. 395. Joint resolution to designate January 4, 1989, as "National Commissioned Corps of the Public Health Service Centennial Day."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 25, 1988:

H.R. 515. An act to provide for more detailed and uniform disclosure by credit and charge card issuers with respect to information relating to interest rates and other fees which may be incurred by consumers through the use of any credit or charge card;

H.R. 1133. An act for the relief of Thomas Nelson Flanagan;

H.R. 1490. An act for the relief of Jean DeYoung;

H.R. 2842. An act to facilitate and implement the settlement of Colorado Ute Indian reserved water rights claims in southwest Colorado, and for other purposes;

H.R. 3966. An act to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience, and for other purposes;

H.R. 4050. An act for the relief of certain persons in Riverside County, California, who purchased land in good faith reliance on an existing private land survey;

H.R. 4064. An act to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges;

H.R. 4088. An act to amend the Archaeological Resources Protection Act of 1979 to strengthen the enforcement provisions of that Act, and for other purposes;

H.R. 4174. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes;

H.R. 4833. An act to amend the Public Health Service Act to revive and extend the programs of nurse education established in title VIII of such Act, and for other purposes;

H.J. Res. 572. Joint resolution designating November 28 through December 2, 1988, as "Vocational-Technical Education Week"; and

H.J. Res. 629. Joint resolution designating October 22, 1988, as "National Chester F. Carlson Recognition Day."

On October 27, 1988:

H.R. 2756. An act granting the consent and approval of Congress to the addition of the State of Ohio as a party to the Middle Atlantic Interstate Forest Fire Protection Compact;

H.R. 2472. An act to provide authorization of appropriations for activities of the National Telecommunications and Information Administration;

H.R. 2806. An act to amend the Federal Land Policy and Management Act of 1976, to permit temporary use for military purposes of public lands in Alaska managed by the Bureau of Land Management, Department of the Interior, and for other purposes;

H.R. 3146. An act to clarify certain restrictions on distribution of advertisements and other information concerning lotteries and similar activities;

H.R. 3614. An act to authorize a study of the Hanford Reach of the Columbia River, and for other purposes.

H.R. 4118. An act to amend and extend the authorization of appropriations for public broadcasting, and for other purposes;

H.R. 4124. An act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes;

H.R. 4352. An act to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes;

H.R. 4517. An act to amend title III of the Outer Continental Shelf Lands Act Amendments of 1978 to provide for indemnification and hold harmless agreements;

H.R. 4686. An act to amend the Federal Aviation Act of 1958 relating to aviation research;

H.R. 4919. An act to approve the governing international fishery agreement between the United States and the Union of Soviet Socialist Republics, and for other purposes;

H.R. 5104. An act to improve the efficiency and effectiveness of the management and disposal of Federal real and personal property;

H.R. 5334. An act to make certain technical and conforming amendments to the Education of the Handicapped Act and the Rehabilitation Act of 1973, and for other purposes;

H.R. 4211. An act to reauthorize the National Ocean Pollution Planning Act of 1978 for fiscal years 1989 and 1990, and for other purposes;

H.R. 4432. An act to amend title 13, United States Code, to require certain detailed tabulations relating to Asian Americans and Pacific Islanders in the decennial censuses of population;

H.R. 4574. An act to amend title 5, United States Code, with respect to certain programs under which awards may be made to

Federal employees for superior accomplishments or cost savings disclosures, and for other purposes; and

H.R. 4210. An act to authorize appropriations to carry out titles II and III of the Marine Protection, Research, and Sanctuaries Act of 1972, to establish the National Oceans Policy Commission, and for other purposes.

On October 28, 1988:

H.J. Res. 438. Joint resolution designating November 4, 1988, as "National Teacher Appreciation Day."

On November 1, 1988:

H.R. 441. An act for the relief of the heirs of M. Sgt. Nathaniel Scott, U.S. Army, retired, deceased;

H.R. 610. An act for the relief of Calvin L. Graham;

H.R. 712. An act for the relief of Lawrence K. Lunt;

H.R. 1149. An act to amend the Foreign Sovereign Immunities Act with respect to admiralty jurisdiction;

H.R. 1388. An act for the relief of David Butler, Aldo Cirone, Richard Denis, Warren Fallon, Charles Hutton, Harold Johnson, Jean Lavoie, Vincent Maloney, Austin Mortensen, Kurt Olofsson, and John Jenks;

H.R. 1418. An act for the relief of Rick Hangartner, Russell Stewart, and David Walden;

H.R. 1473. An act to designate the building which will house the U.S. District Court for the Eastern District of Texas in Lufkin, TX, as the "Ward R. Burke United States Courthouse";

H.R. 2109. An act for the relief of Rosa Pratts;

H.R. 2461. An act for the relief of Milena Mesin and Bozena Mesin;

H.R. 2511. An act for the relief of Tarek Mohamad Mahmoud;

H.R. 2802. An act for the relief of Fleur-ette Seidman;

H.R. 3238. An act for the relief of Maria Linda Sy Gonzalez;

H.R. 3227. An act to designate the Federal building located at 324 West Market Street in Greensboro, NC, as the "L. Richardson Preyer, Jr. Federal Building and United States Courthouse and Post Office";

H.R. 3917. An act for the relief of Rajani Lal;

H.R. 4246. An act to amend the act of June 6, 1900, to increase the number of trustees of the Frederick Douglass Memorial and Historical Association;

H.R. 5552. An act to provide that the Consumer Product Safety Commission amend its regulations regarding lawn darts;

H.J. Res. 446. Joint resolution designating October 30 through November 5, 1988, as "National Jukebox Week";

H.J. Res. 573. Joint resolution to designate the week beginning November 13, 1988, as "National Craniofacial Awareness Week";

H.J. Res. 604. Joint resolution designating February 5 through 11, 1989, as "National Burn Awareness Week";

H.J. Res. 626. Joint resolution designating September 13, 1989, as "Uncle Sam Day";

H.J. Res. 649. Joint resolution designating November 12, 1988, as "National Firefighters Day";

H.J. Res. 654. Joint resolution designating November 4 through 10, 1988, as the "Week of Remembrance of Kristallnacht"; and

H.J. Res. 677. Joint resolution changing the date for the counting of the electoral vote by Congress to January 4, 1989.

On November 2, 1988:

H.R. 4333. An Act to make technical corrections relating to the Tax Reform Act of 1986, and for other purposes.

On November 3, 1988:

H.R. 593. An act to request the President to award a gold medal on behalf of Congress to Andrew Wyeth, and to provide for the production of bronze duplicates of such medal for sale to the public;

H.R. 1807. An act to amend the Small Business Act to reform the Capital Ownership Development Program, and for other purposes;

H.R. 4030. An act to reauthorize and amend certain wildlife laws, and for other purposes;

H.R. 4362. An act to amend section 3 of the Act of June 14, 1926, as amended (43 U.S.C. 869-2), to authorize the issuance of patents with a limited reverter provision of lands devoted to solid waste disposal, and for other purposes;

H.R. 4399. An act to facilitate commercial access to space, and for other purposes;

H.R. 4445. An act to amend title 18, United States Code, to prohibit certain firearms especially useful to terrorists;

H.R. 5102. An act to amend the provisions of title 5, United States Code, relating to the health benefits program for Federal employees and certain other individuals;

H.R. 5115. An act to extend for 2 years section 314 of the Immigration Reform and Control Act of 1986, to make additional visas available to immigrants from underrepresented countries to enhance diversity in immigration, and to extend through December 31, 1989, H-1 nonimmigrant status for certain registered nurses; and

H.J. Res. 137. Joint resolution designating the month of May 1989, as "National Asparagus Month."

On November 7, 1988:

H.R. 3957. An act to establish the Delaware and Lehigh Navigation Canal National Heritage Corridor in the Commonwealth of Pennsylvania; and

H.R. 5210. An act to prevent the manufacturing, distribution, and use of illegal drugs, and for other purposes.

On November 10, 1988:

H.R. 1975. An act to protect cave resources on Federal lands, and for other purposes;

H.R. 3048. An act to establish a national Federal program effort in close collaboration with the private sector to develop as rapidly as possible the applications of superconductivity to enhance the Nation's economic competitiveness and strategic well-being, and for other purposes;

H.R. 3313. An act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes;

H.R. 3680. An act to revoke certain public land orders, transfer certain public lands, and for other purposes;

H.R. 3911. An act to amend title 18, United States Code, to provide increased penalties for certain major frauds against the United States;

H.R. 4039. An act to declare that certain lands in the State of California which form a part of the right-of-way granted by the United States to the Central Pacific Railway Company have been abandoned, and for other purposes;

H.R. 4212. An act to amend the joint resolution of April 27, 1962, to permit the Secretary of the Interior to establish the former home of Alexander Hamilton as a national memorial at its present location in New York, NY;

H.R. 4879. An act to amend the Depository Institution Management Interlocks Act to revise the manner in which the service of directors of depository institutions and depository holding companies are regulated, and for other purposes;

H.R. 4807. An act to amend title 28, United States Code, to make certain improvements with respect to the Federal judiciary, and for other purposes;

H.R. 4847. An act to amend Federal Hazardous Substances Act to require the labeling of chronically hazardous art materials, and for other purposes;

H.R. 4972. An act to authorize appropriations for the Patent and Trademark Office in the Department of Commerce, and for other purposes;

H.R. 5280. An act to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the U.S. Congress;

H.R. 5133. An act to improve the procedures and remedies for the prevention of insider trading, and for other purposes;

H.R. 5287. An act to establish the Panama Canal Commission Compensation Fund to provide for the accumulation of funds to meet the Panama Canal Commission's obligations under chapter 81 of title 5, United States Code, and for other purposes;

H.R. 5318. An act to amend the Congressional Award Act to extend the Congressional Award Program;

H.R. 564. Joint resolution designating the first week of April 1989 as "National Earthquake Awareness Week"; and

H.J. Res. 650. Joint resolution designating April 1989 as "Actors' Fund of America Appreciation Month."

On November 11, 1988:

H.R. 2707. An act to amend the Disaster Relief Act of 1974 to provide for more effective assistance in response to major disasters and emergencies, and for other purposes;

H.R. 2839. An act to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, to unify the land base of the Goshute Reservation, to simplify the boundaries of the Goshute Reservation, and for other purposes;

H.R. 3011. An act to amend the Truth in Lending Act to establish additional disclosure, advertising, and other requirements for home equity loans;

H.R. 3105. An act to revise, consolidate, and enact certain laws related to shipping definitions and maritime commercial instruments and liens as subtitle III of title 46, United States Code, "Shipping," and for other purposes;

H.R. 4189. An act to authorize appropriations to carry out the Marine Mammal Protection Act of 1972 for fiscal years 1989 through 1993;

H.R. 4612. An act to amend title 28, United States Code, to provide for an exclusive remedy against the United States for suits based upon certain negligent or wrongful acts or omissions of U.S. employees committed within the scope of their employment, and for other purposes;

H.R. 5043. An act to amend section 207 of title 18, United States Code, relating to restrictions on post-employment activities;

H.R. 5232. An act to grant the consent of the Congress to the Southwestern Low-Level Radioactive Waste Disposal Compact;

H.R. 5261. An act to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes; and

H.R. 5560. An act to amend the Public Health Service Act, and the Health Omnibus Programs Extension of 1988, to make technical corrections relating to the Health Omnibus Programs Extension of 1988.

BILLS AND JOINT RESOLUTIONS APPROVED AFTER SINE DIE ADJOURNMENT

The President, subsequent to the sine die adjournment of the Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On October 24, 1988:

H.R. 2399. An act to provide for study and research on the decline in United States forest productivity and to determine the effects of atmospheric pollutants on forest environments, and for other purposes;

H.R. 2772. An act to authorize construction of the Mni Wiconi Rural Water Supply Project, and for other purposes;

H.R. 3235. An act to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations;

H.R. 4345. An act to amend the United States Grain Standards Act to extend through September 30, 1993, the authority contained in section 155 of the Omnibus Reconciliation Act of 1981 and Public Law 98-469 to charge and collect inspection and weighing fees, and for other purposes;

H.R. 4417. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1989, and for other purposes;

H.R. 4724. An act to direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Oktibbeha County, MS; and

H.R. 5423. An act to authorize continued storage of water at Abiquil Dam in New Mexico.

On October 25, 1988:

H.J. Res. 648. Joint resolution to encourage increased international cooperation to protect biological diversity;

H.R. 1864. An act for the relief of Helen Lannier;

H.R. 3471. An act to establish the Veterans' Administration as an executive department, and for other purposes;

H.R. 4554. An act to remove certain restrictions on land acquisitions for Antietam National Battlefield;

H.R. 4480. An act to change the name of the Pacific Tropical Botanical Garden, a federally chartered organization, to the National Tropical Botanical Garden, and for other purposes;

H.R. 4557. An act to amend title 46, United States Code, to require alerting and locating equipment on manned uninspected vessels, to provide for exemption of uninspected vessels from certain requirements of that title, and to increase penalties for violations of certain uninspected vessel requirements;

H.R. 4642. An act to provide for the reinstatement of the canceled entry of William A. Wright to certain lands in Lamar County, AL;

H.R. 4777. An act to modify the boundary of the Guadalupe Mountains National Park, and for other purposes;

H.R. 4992. An act to expand our national telecommunications system for the benefit

of the hearing- and speech-impaired populations, and for other purposes;

H.R. 5007. An act to designate the U.S. courthouse at 820 Southwest Main Street, Portland, Oregon, as the "Gus J. Solomon United States Courthouse";

H.R. 5052. An act to amend title 31 of the United States Code to provide for a transfer of control of the General Accounting Office Building and to improve the administration of the General Accounting Office;

H.R. 5066. An act to add additional land to the Salt River Pima-Maricopa Indian Reservation in Arizona, and for other purposes;

H.R. 5325. An act to establish a commission to review and make recommendations for the improvement of the Federal crop insurance program; and

H.R. 5395. An act to designate the Sipsey River as a component of the National Wild and Scenic Rivers System, to designate certain areas as additions to the Sipsey Wilderness, to designate certain areas as additions to the Cheaha Wilderness, and to preserve over 3,000 acres of pristine natural treasures in the Bankhead National Forest for the aesthetic and recreational benefit of future generations of Alabamians, and for other purposes.

On October 31, 1988:

H.R. 525. An act for the relief of John M. Gill;

H.R. 775. An act to provide for the establishment of the Poverty Point National Monument, and for other purposes;

H.R. 5050. An act to amend the Small Business Act to establish programs and initiate efforts to assist the development of small business concerns owned and controlled by women, and for other purposes; and

H.R. 5059. An act to quiet title and possession with respect to a certain private land claim in Sumter County, AL.

On October 26, 1988:

H.R. 900. An act to protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes.

On October 28, 1988:

H.J. Res. 629. Joint resolution designating October 22, 1988, "National Chester F. Carlson Recognition Day";

H.J. Res. 644. Joint resolution granting the consent of Congress to the compact entered into between the State of North Carolina and the State of South Carolina establishing the Lake Wylie Marine Commission;

H.R. 945. An act for the relief of Allen H. Platnick;

H.R. 990. An act to direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, CA;

H.R. 1275. An act for the relief of Joyce G. McFarland;

H.R. 1385. An act for the relief of Travis D. Jackson;

H.R. 1826. An act for the relief of Natasha Susan Middelmann, Samantha Abigail Middelmann, Naomi Katrina Orloff Middelmann, and Hannah Emily Middelmann;

H.R. 3347. An act for the relief of Bibiane Cyr;

H.R. 4209. An act to authorize appropriations to carry out title I of the Marine Protection, Research, and Sanctuaries Act of 1972 during fiscal years 1989, 1990, and 1991;

H.R. 4375. An act to improve the management of certain public lands in the State of Michigan;

H.R. 4410. An act to designate the Federal Building at Spring and High Streets in Columbus, OH, as the "John W. Bricker Federal Building";

H.R. 2286. An act to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1988 and 1989, and for other purposes;

H.R. 2628. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 respecting the importation of motor vehicles in anticipation of compliance with safety standards under such act;

H.R. 3408. An act to authorize additional appropriations for the central Utah project, to implement a settlement with the Strawberry water users, to expand the John Muir Historic Site, to prohibit the expansion of any reservoir within the boundaries of Yosemite National Park, and for other purposes;

H.R. 3414. An act for the relief of Meenakshiben P. Patel;

H.R. 3559. An act to authorize and direct the acquisition of lands for Canaveral National Seashore, and for other purposes;

H.R. 3685. An act to amend title 31, United States Code, to increase from \$25,000 to \$40,000 the maximum amount that the United States may pay in settlement of a claim against the United States made by a member of the uniformed services or by an officer or employee of the Government;

H.R. 3757. An act to amend title 5, United States Code, to permit voluntary transfers of leave by Federal employees where needed because of a medical or other emergency situation;

H.R. 4182. An act to authorize the establishment of the Zuni-Cibola National Historical Park in the State of New Mexico, and for other purposes;

H.R. 4282. An act to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic Works, as revised at Paris on July 24, 1971, and for other purposes;

H.R. 4416. An act to extend the authorization of appropriations for titles V and VI of the Library Services and Construction Act through fiscal year 1989;

H.R. 4418. An act to authorize appropriations for the National Science Foundation, and for other purposes;

H.R. 4818. An act to establish the National Park of American Samoa;

H.R. 4939. An act to amend the Safe Drinking Water Act to control lead in drinking water;

H.R. 5001. An act to establish the Delaware Water Gap National Recreation Area Citizen Advisory Commission;

H.R. 5199. An act to make nonmailable any plant, fruit, vegetable, or other matter the movement of which in interstate commerce has been prohibited or restricted by the Secretary of Agriculture in order to prevent the dissemination of dangerous plant diseases or pests, and for other purposes;

H.R. 5318. An act to amend the Egg Research and Consumer Information Act to limit the total costs that may be incurred by the Egg Board in collecting producer assessments and having an administrative staff, to eliminate egg producer refunds, and to delay the conducting of any referendum by egg producers on the elimination of such refunds;

H.R. 5389. An act concerning disaster assistance for Bangladesh;

H.R. 5442. An act to provide the Environmental Protection Agency and the public with additional information about asbestos products; and

H.R. 5471. An act to amend the Public Health Service Act to revise the authority for the regulation of clinical laboratories.

On November 1, 1988:

H.R. 2677. An act to establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the act of June 18, 1934 (48 Stat. 987); and

H.R. 3515. An act to amend the Solid Waste Disposal Act to require the Administrator of the Environmental Protection Agency to promulgate regulations on the management of infectious waste.

On November 3, 1988:

H.J. Res. 446. Joint resolution designating October 30 through November 5, 1988, as "National Jukebox Week";

H.J. Res. 572. Joint resolution designating November 28 through December 2, 1988, as "Vocational-Technical Education Week";

H.R. 515. An act to provide for more detailed and uniform disclosure by credit and charge card issuers with respect to information relating to interest rates and other fees which may be incurred by consumers through the use of any credit or charge card;

H.R. 1133. An act for the relief of Thomas Nelson Flanagan;

H.R. 1490. An act for the relief of Jean DeYoung;

H.R. 2472. An act to provide authorization of appropriations for activities of the National Telecommunications and Information Administration;

H.R. 2642. An act to facilitate and implement the settlement of Colorado Ute Indian reserved water rights claims in southwest Colorado, and for other purposes;

H.R. 2806. An act to amend the Federal Land Policy and Management Act of 1976, to permit temporary use for military purposes of public lands in Alaska managed by the Bureau of Land Management, Department of the Interior, and for other purposes;

H.R. 4050. An act for the relief of certain persons in Riverside County, CA, who purchased land in good faith reliance on an existing private land survey;

H.R. 4064. An act to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges;

H.R. 4088. An act to amend the Archaeological Resources Protection Act of 1979 to strengthen the enforcement provisions of that act, and for other purposes;

H.R. 4124. An act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes;

H.R. 4174. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; and

H.R. 4686. An act to amend the Federal Aviation Act of 1958 relating to aviation research.

On November 4, 1988:

H.R. 3614. An act to authorize a study of the Hanford Reach of the Columbia River, and for other purposes.

On November 5, 1988:

H.J. Res. 438. Joint resolution designating November 4, 1988, as "National Teacher Appreciation Day";

H.R. 1473. An act to designate the building which will house the U.S. district court for the Eastern District of Texas in Lufkin, TX, as the "Ward R. Burke United States Courthouse";

H.R. 2756. An act granting the consent and approval of Congress to the addition of the State of Ohio as a party to the Middle

Atlantic Interstate Forest Fire Protection Compact;

H.R. 4517. An act to amend title III of the Outer Continental Shelf Lands Act Amendments of 1978 to provide for indemnification and hold harmless agreements;

H.R. 4574. An act to amend title 5, United States Code, with respect to certain programs under which awards may be made to Federal employees for superior accomplishments of cost savings disclosures, and for other purposes;

H.R. 5104. An act to improve the efficiency and effectiveness of the management and disposal of Federal real and personal property; and

H.R. 5552. An act to provide that the Consumer Product Safety Commission amend its regulations regarding lawn darts.

On November 7, 1988:

H.J. Res. 573. Joint resolution to designate the week beginning November 13, 1988, as "National Craniofacial Awareness Week";

H.J. Res. 654. Joint resolution designating November 4 through 10, 1988, as the "Week of Remembrance of Kristallnacht";

H.R. 3146. An act to clarify certain restrictions on distribution of advertisements and other information concerning lotteries and similar activities;

H.R. 4118. An act to amend and extend the authorization of appropriations for public broadcasting, and for other purposes;

H.R. 4210. An act to authorize appropriations to carry out titles II and III of the Marine Protection, Research, and Sanctuaries Act of 1972, to establish the National Oceans Policy Commission, and for other purposes;

H.R. 4352. An act to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes;

H.R. 4919. An act to approve the governing international fishery agreement between the United States and the Union of Soviet Socialist Republics, and for other purposes; and

H.R. 5334. An act to make certain technical and conforming amendments to the Education of the Handicapped Act and the Rehabilitation Act of 1973, and for other purposes.

On November 8, 1988:

H.R. 4211. An act to reauthorize the National Ocean Pollution Planning Act of 1978 for fiscal years 1989 and 1990, and for other purposes.

On November 9, 1988:

H.J. Res. 137. Joint resolution designating the month of May 1989, as "National Asparagus Month";

H.J. Res. 604. Joint resolution designating February 5 through 11, 1989, as "National Burn Awareness Week";

H.J. Res. 626. Joint resolution designating September 13, 1989, as "Uncle Sam Day";

H.J. Res. 677. Joint resolution changing the date for the counting of the electoral vote by Congress to January 4, 1989;

H.R. 593. An act to request the President to award a gold medal on behalf of Congress to Andrew Wyeth, and to provide for the production of bronze duplicates of such medal for sale to the public;

H.R. 1149. An act to amend the Foreign Sovereign Immunities Act with respect to admiralty jurisdiction;

H.R. 1388. An act for the relief of David Butler, Aldo Cirone, Richard Denisi, Warren Fallon, Charles Hotton, Harold Johnson, Jean Lavoie, Vincent Maloney, Austin Mortensen, Kurt Olofson, and John Jenks;

H.R. 2109. An act for the relief of Rosa Pratts;

H.R. 2461. An act for the relief of Milena Mesin and Bozena Mesin;

H.R. 2511. An act for the relief of Tarek Mohamad Mahmoud;

H.R. 3238. An act for the relief of Maria Linda Sy Gonzalez;

H.R. 3327. An act to designate the Federal building located at 324 West Market Street in Greensboro, NC, as the "L. Richardson Preyer, Jr. Federal Building and United States Courthouse and Post Office";

H.R. 3917. An act for the relief of Rajani, Lal; and

H.R. 4236. An act to amend the Act of June 6, 1900, to increase the number of trustees of the Frederick Douglass Memorial and Historical Association.

On November 10, 1988:

H.J. Res. 649. Joint resolution designating November 12, 1988, as "National Firefighters Day";

H.R. 441. An act for the relief of the heirs of M. Sgt. Nathaniel Scott, U.S. Army, retired, deceased;

H.R. 610. An act for the relief of Calvin L. Graham;

H.R. 712. An act for the relief of Lawrence K. Lunt;

H.R. 1418. An act for the relief of Rick Hangartner, Russell Stewart, and David Walden;

H.R. 2802. An act for the relief of Fleur-ette Seidman;

H.R. 4333. An act to make technical corrections relating to the Tax Reform Act of 1986, and for other purposes;

H.R. 4362. An act to amend section 3 of the act of June 14, 1926, as amended (43 U.S.C. 869-2), to authorize the issuance of patents with a limited reverter provision of lands devoted to solid waste disposal, and for other purposes;

H.R. 4445. An act to amend title 18, United States Code, to prohibit certain firearms especially useful to terrorists; and

H.R. 4879. An act to amend the Depository Institution Management Interlocks Act to revise the manner in which the service of directors of depository institutions and depository holding companies are regulated, and for other purposes.

On November 14, 1988:

H.R. 4030. An act to reauthorize and amend certain wildlife laws, and for other purposes; and

H.R. 5102. An act to amend the provisions of title 5, United States Code, relating to the health benefits program for Federal employees and certain other individuals.

On November 15, 1988:

H.R. 1807. An act to amend the Small Business Act to reform the Capital Ownership Development Program, and for other purposes;

H.R. 4399. An act to facilitate commercial access to space, and for other purposes; and

H.R. 5115. An act to extend for 2 years section 314 of the Immigration Reform and Control Act of 1986, to make additional visas available to immigrants from underrepresented countries to enhance diversity in immigration and to extend through December 31, 1989, H-1 nonimmigrant status for certain registered nurses.

On November 17, 1988:

H.R. 5280. An act to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the U.S. Congress; and

H.R. 5135. An act to amend the Congressional Award Act to extend the Congressional Award Program.

3185. A letter from the Attorney General of the United States, transmitting the annual report on the administration of the Foreign Agents Registration Act of 1938, as amended for calendar year 1986, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

3186. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a resolution, approved by the Commission, calling upon the Congress to enact legislation requiring that the Attorney General collect data about hate crimes and publish such data on a yearly basis; to the Committee on the Judiciary.

3187. A letter from the Administrator, General Services Administration, transmitting informational copies of reports and building project surveys for Atlantic County, NJ, American Samoa, and Altoona, PA, pursuant to 40 U.S.C. 610(b); to the Committee on Public Works and Transportation.

3188. A letter from the Secretary of Energy, transmitting the Department's seventh annual report on the Methane Transportation Research, Development and Demonstration Program for fiscal year 1987, pursuant to 15 U.S.C. 3808; to the Committee on Science, Space, and Technology.

3189. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for the National Science Foundation for fiscal years 1989 through 1993 and make amendments to the National Science Foundation Act of 1950 and related laws, pursuant to 31 U.S.C. 1110; to the Committee on Science, Space, and Technology.

3190. A letter from the Secretaries of the Army and Agriculture, transmitting notification of the intention of Departments of the Army and Agriculture to interchange jurisdiction of civil works and Forest Service acquired lands at the Corps of Engineers project at Lucky Peak Lake, ID, pursuant to 16 U.S.C. 505a; jointly, to the Committee on Agriculture and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Mar. 17, 1988, the following reports were filed on Mar. 18, 1988]

Mr. FRANK: Committee on the Judiciary. H.R. 1259. A bill to recognize the organization known as the National Association of State Directors of Veterans Affairs, Inc. with amendments (Rept. 100-520). Referred to the House Calendar.

Mr. FRANK: Committee on the Judiciary. House Joint Resolution 480. Resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact (Rept. 100-521). Referred to the House Calendar.

Mr. FRANK: Committee on the Judiciary S. 1397. An act to recognize the organization known as the Non Commissioned Officers Association of the United States of America; with amendments (Rept. 100-522). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Submitted Mar. 21, 1988]

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. WYDEN, Mr. PANETTA, Mr. HORTON, Mr. SCHEUER, Mr. FLORIO, Mr. MARKEY, Mr. WALGREN, Mr. LELAND, Mrs. COLLINS, Mr. SYNAR, Mr. ECKART, Mr. RICHARDSON, Mr. SIKORSKI, Mr. COOPER, Mr. COELHO, Mr. BROWN of California, Mr. SCHUETTE, Mr. DURBIN, Mr. TRAXLER, Mr. SMITH of Florida, and Mr. WEISS):

H.R. 4205. A bill to require the Secretary of Health and Human Services to make improvements in the management systems available and in the activities carried out to review food products for compliance with the pesticide tolerance requirements of the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DYMALLY (for himself and Mr. DORNAN of California):

H.R. 4206. A bill to amend the Department of Defense Appropriations Act, 1988, to clarify and restate the intent of Congress with respect to the performance of certain Navy ship overhaul work for fiscal year 1988; jointly, to the Committees on Appropriations and Armed Services.

By Mr. LaFALCE:

H.R. 4207. A bill to modernize and reform the regulation of financial services, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. LOWRY of Washington (for himself, Mr. JONES of North Carolina, Mr. STUDDS, Mr. FASCELL, Mr. ALEXANDER, and Mr. HUGHES):

H.R. 4208. A bill to authorize appropriations to carry out title III of the Marine Protection, Research, and Sanctuaries Act of 1972 during fiscal years 1989, 1990, 1991, and 1992; to the Committee on Merchant Marine and Fisheries.

By Mr. LOWRY of Washington (for himself, Mr. JONES of North Carolina, Mr. HUGHES, Mr. DAVIS of Michigan, and Mr. SAXTON):

H.R. 4209. A bill to authorize appropriations to carry out title I of the Marine Protection, Research, and Sanctuaries Act of 1972 during fiscal years 1989, 1990, and 1991, to the Committee on Merchant Marine and Fisheries.

By Mr. LOWRY of Washington (for himself, Mr. JONES of North Carolina, Mr. STUDDS, Mr. SAXTON, Mr. HUGHES, and Mr. DAVIS of Michigan):

H.R. 4210. A bill to reauthorize title II of the Marine Protection, Research, and Sanctuaries Act of 1972, for fiscal years 1989 and 1990, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

H.R. 4211. A bill to reauthorize the National Ocean Pollution Planning Act of 1978 for fiscal years 1989 and 1990, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

By Mr. RANGEL:

H.R. 4212. A bill to amend the joint resolution of April 27, 1982, to permit the Secretary of the Interior to establish the former

home of Alexander Hamilton as a national memorial at its present location in New York, NY; to the Committee on Interior and Insular Affairs.

By Mr. GONZALEZ:

H.J. Res. 511. Joint resolution to call for the removal of United States Armed Forces from Honduras; to the Committee on Foreign Affairs.

By Mr. PORTER (for himself and Mr. FRENZEL):

H. Con. Res. 267. Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1989, 1990, and 1991; to the Committee on the Budget.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 115: Ms. KAPTUR.

H.R. 245: Mr. SOLARZ, Mr. KASICH, and Mr. NELSON of Florida.

H.R. 920: Mr. ATKINS, and Mr. EDWARDS of California.

H.R. 1635: Mr. WYLIE, Mr. CHANDLER, Mr. FORD of Tennessee, Mr. ECKART, and Mr. WELDON.

H.R. 1832: Mr. CRANE.

H.R. 2248: Mr. HOWARD.

H.R. 2508: Mr. RODINO and Mr. LEVINE of California.

H.R. 2976: Mr. THOMAS of California and Mr. WHITTAKER.

H.R. 3054: Mr. ST GERMAIN and Mr. MORRISON of Connecticut.

H.R. 3130: Mr. TRAXLER.

H.R. 3148: Mr. DENNY SMITH and Mr. SIKORSKI.

H.R. 3193: Mr. THOMAS A. LUKE.

H.R. 3250: Mr. SPRATT, Mr. HOYER, Mr. CALLAHAN, and Mrs. PATTERSON.

H.R. 3340: Mr. KENNEDY, and Mr. RAVENEL.

H.R. 3455: Ms. PELOSI, Mr. PEPPER, Mr. KILDEE, Mr. BUSTAMANTE, and Mrs. BYRON.

H.R. 3553: Mr. COLEMAN of Texas, Mr. GIBBONS, and Mr. DELLUMS.

H.R. 3593: Mr. GARCIA, Mr. LEVINE of California, Mr. EDWARDS of California, Mr. ATKINS, Mr. OWENS of Utah, Mr. MANTON, Mr. MARTINEZ, and Mr. HOWARD.

H.R. 3699: Mr. ROTH.

H.R. 3791: Mr. FAUNTROY, Mr. HENRY, Mr. BUNNING, Mr. FRENZEL, Mr. LEATH of Texas, Mr. DE LA GARZA, Mr. LEWIS of Georgia, and Mr. BOEHLERT.

H.R. 3840: Mr. JEFFORDS, Mr. HASTERT, and Mr. LELAND.

H.R. 3868: Mr. BATES, Mr. BLAZ, Mr. CLAY, Mrs. COLLINS, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DYMALLY, Mr. ESPY, Mr. EVANS, Mr. FAUNTROY, Mr. FUSTER, Mr. HAWKINS, Ms. KAPTUR, Mr. MFUME, Mr. OWENS of New York, Ms. PELOSI, Mrs. SCHROEDER, Mr. TORRES, Mr. TOWNS, and Mr. WOLFE.

H.R. 3883: Miss SCHNEIDER, Mr. FRANK, and Mr. SHAYS.

H.R. 3892: Mr. GALLO, Ms. PELOSI, and Mr. CALLAHAN.

H.R. 3918: Mr. TOWNS, Mr. GRAY of Illinois, Mr. HORTON, Mr. ANDERSON, Mr. NICHOLS, Mr. BENNETT, Mr. VANDER JAGT, Mr. CARPER, Mr. BONKER, Mr. BEVILL, Mr. OBSERSTAR, Mr. FUSTER, Mr. DYSON, Mr. PICKETT, Mr. SOLOMON, Mr. HAYES of Louisiana, Mr. WORTLEY, Mr. ROBINSON, Mr. KASTENMEIER, Mr. WILSON, Mr. MANTON, Mr. OWENS of Utah, Mr. BORSKI, Mr. MADIGAN, Mr. MORRISON of Connecticut, Mr. TALLON, Mr. NEAL, Mr. PARRIS, Mr. BARNARD, Mr. THOMAS of